

## Regular Meeting

Monday, September 25, 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:
    - Oct. 9 School Board Listening Hour w/WEA 5:00PM @ District Office
    - Oct. 9 Policy Committee 6:00PM @ District Office
    - Oct. 9 School Board Work Session 7:00PM @ District Office
    - Oct. 23 Finance Committee Meeting 6:00PM @ Waconia City Hall
    - Oct. 23 School Board Regular Meeting 7:00PM @ Waconia City Hall
  - 2.B. Teachers Achieving Continuing Contract July 1, 2023
    - Aaron Ackerman BV
    - Jacob Esterberg BV/SV/LT
    - Julie Kendrick BV
    - Sari Mailey LT
    - Natalie McDonald WMS
    - Kendra Olson WHS
    - Jessica Solberg BV
    - Amanda Vesta WMS
    - Allison Weber SV
  - 2.C. 2023 Accomplished Waconia Educators **Presenter:** Brian Gersich, Superintendent
    - Kari Klein, Developmental Disabilities Teacher - WHS
    - Mark Bullis, Math Teacher - WMS
    - Stephanie DeYoung, Emotional Behavior Disorders Teacher - SV
  - 2.D. 2023 Employee Essence Award Winners **Presenter:** Brian Gersich, Superintendent
    - Jamie Mackenthun, WHS
    - Michelle Langer, BV
    - Jenny Steinhagen, LT
    - Sara Wolter, SV
    - Carol Miller, WMS
    - Brenda Buesgens, Community Education
3. **PUBLIC COMMENT**
4. **MINUTES OF PREVIOUS MEETING**  
**Approve minutes of the August 28 regular meeting**

ISD 110 School Board  
Regular Meeting  
Monday, August 28, 2023 7:00 PM

Waconia City Hall  
201 S Vine Street  
Waconia, MN 55387

## **Agenda**

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

**Presenter:** Chair Geller

Call to order by Chair Geller at 7:00 PM

Members present: Geller, Amott, Bergstrom, Kelzer-Breedon, Myers, Hagen

Members absent: DeBoer

Motion by Hagen to adopt agenda

Kelzer-Breedon second

All in favor

Motion carried

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

**Presenter:** Chair Geller

2.A. Upcoming Meetings:

Sept. 11 Policy Committee 6:00PM @ District Office

Sept. 11 School Board Work Session 7:00PM @ District Office

Sept. 25 Finance Committee 6:00PM @ Waconia City Hall

Sept. 25 School Board Regular Meeting 7:00PM @ Waconia City Hall

2.B. Student Board Representatives

2.B.1. Introductions

2.B.2. Oath of Office

### **3. PUBLIC COMMENT**

### **4. MINUTES OF PREVIOUS MEETING**

Motion by Bergstrom to approve minutes of the July 24 regular meeting.

Kelzer-Breedon second

All in favor

Motion carried

### **5. CONSENT AGENDA**

**Presenter:** Chair Geller

5.A. Bills and Wire Transfers

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

5.B. Human Resource Items:

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

5.C. Receipts of Donation

## 6. REPORTS

6.A. Student Board Representative Report

**Presenter:** Stella Atkinson, Jayden Kisner

6.B. Administrative Presentation : Human Resources

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

6.C. Finance Report

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

## 7. ACTION ITEMS

7.A. Shredding Vendor Selection

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

Motion by Kelzer-Breeden to approve vendor ShredNGo for district shredding service.

Amott second

All in favor

Motion carried

7.B. TCO Vendor Selection

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

Motion by Myers to approve vendor Twin Cities Orthopedics to provide Sports Medicine and Other Performance Training Services

Hagen second

All in favor

Motion carried

## 8. DISCUSSION ITEMS

8.A. First Read Board Policies

8.A.1. 101 Legal Status of the School District

8.A.2. 102 Equal Educational Opportunity

8.A.3. 414 Form: Confidential Student Maltreatment Reporting Form

8.A.4. 418 Drug-Free Workplace/Drug-Free School

8.A.5. 419 Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction

8.A.6. 425 Staff Development and Mentoring

8.A.7. 504 Student Appearance

8.A.8. 507 Corporal Punishment and Prone Restraint

8.A.9. 509 Enrollment of Nonresident Students

8.A.10. 514 Bullying Prohibition Policy

- 8.A.11. 515 Protection and Privacy of Pupil Records
- 8.A.12. 516.5 Overdose Medication (New)
- 8.A.13. 522 Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process  
**Presenter:** Dr. Enid Schonewise, Director of Human Resources
- 8.A.14. 532 Use of Peace Officers and Crisis Teams
- 8.A.15. 534 School Meals Policy
- 8.A.16. 602 Organization of School Calendar and School Day
- 8.A.17. 612.1 Development of Parental Involvement Policies for Title I Programs (3-year Cycle)
- 8.A.18. 613 Graduation Requirements
- 8.A.19. 616 School District System Accountability
- 8.A.20. 618 Assessment of Student Achievement
- 8.A.21. 619 Staff Development for Standards
- 8.A.22. 623 Mandatory Summer Instruction
- 8.A.23. 701 Establishment and Adoption of School District Budget
- 8.A.24. 701.1 Modification of School District Budget
- 8.A.25. 702 Accounting
- 8.A.26. 703 Annual Audit
- 8.A.27. 704 Development and Maintenance of an Inventory of Fixed Assets
- 8.A.28. 705 Investments
- 8.A.29. 706 Acceptance of Gifts
- 8.A.30. 707 Transportation of Public School Students
- 8.A.31. 708 Transportation of Nonpublic School Students
- 8.A.32. 709 Student Transportation Safety Policy
- 8.A.33. 711 Videotaping
- 8.A.34. 712 Video Surveillance Other than on Buses
- 8.A.35. 713 Student Activity Accounting
- 8.A.36. 714 Fund Balances
- 8.A.37. 723 Access to Data for Individual Data Subjects (3-year cycle)  
**Presenter:** Brian Gersich, Superintendent
- 8.A.38. 801 Equal Access to School Facilities

- 8.A.39. 802 Disposition of Obsolete Equipment
- 8.A.40. 805 Waste Reduction and Recycling
- 8.A.41. 807 Health and Safety Policy
- 8.A.42. 809 Naming Rights Policy (3-year Cycle, non-MSBA)
- 8.A.43. 901 Community Education
- 8.A.44. 903 Visitors to School District Buildings and Sites
- 8.A.45. 903.1 AR Administrative Regulations (non-MSBA, 3-year cycle)  
**Presenter:** Brian Gersich, Superintendent
- 8.A.46. 904 Distribution of Materials on School District Property by Nonschool Persons (3-year Cycle)
- 8.A.47. 905 Advertising (3-year Cycle)
- 8.A.48. 906 Community Notification of Predatory Offenders
- 8.A.49. 907 Rewards

## 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

Motion by Bergstrom to adjourn  
Amott second  
All in favor  
Motion carried  
Meeting adjourned at 7:38 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
609225	ABRAKADOODLE	08/25/2023	R	3,717.00	August
609226	ACRE	08/25/2023	R	6,218.83	August
609227	ALPHA WIRELESS COMMUNICATIONS	08/25/2023	R	772.98	August
609228	AMAZING ATHLETES OF CENTRAL MN	08/25/2023	R	700.00	August
609229	AVIBEN	08/25/2023	R	533.82	August
609231	BEST BUY BUSINESS ADV ACCT	08/25/2023	R	14,606.07	August
609232	BNR IRRIGATION SERVICES INC	08/25/2023	R	130.00	August
609233	BSN SPORTS LLC	08/25/2023	R	461.26	August
609235	CATALYST SOURCING SOLUTIONS	08/25/2023	R	2,607.49	August
609236	CREATURE WORKS, INC	08/25/2023	R	201.00	August
609237	DEMCO, INC	08/25/2023	R	637.34	August
609238	ECM PUBLISHERS, INC	08/25/2023	R	488.25	August
609239	GRAINGER	08/25/2023	R	184.36	August
609240	HAGEN, TESSA	08/25/2023	R	378.00	August
609241	HANSON SPORTS LLC	08/25/2023	R	3,224.80	August
609242	HELGESON, RANDY	08/25/2023	R	25.00	August
609243	HOLTON ELECTRIC CONTRACTORS	08/25/2023	R	221.12	August
609244	HUDL	08/25/2023	R	13,000.00	August
609245	HUSTLE & HEART SPORTS	08/25/2023	R	356.25	August
609246	IASCO	08/25/2023	R	206.47	August
609247	INDIANHEAD FS DISTRIBUTOR, INC	08/25/2023	R	3,829.40	August
609248	INNOVATIVE OFFICE SOLUTIONS LL	08/25/2023	R	95.61	August
609249	INNOVATIONAL WATER SOLUTIONS I	08/25/2023	R	573.00	August
609250	JT FLOOR COVERING INSTALL LLC	08/25/2023	R	15,079.00	August
609251	KIDCREATE STUDIO	08/25/2023	R	944.00	August
609252	KROELLS, LINDA	08/25/2023	R	378.00	August
609253	LAKESHORE LEARNING MATERIALS L	08/25/2023	R	143.56	August
609254	LITTLE PROJECTS CONCRETE & LAN	08/25/2023	R	27,336.00	August
609255	LOFFLER COMPANIES	08/25/2023	R	420.89	August
609256	LVC COMPANIES INC	08/25/2023	R	6,300.00	August
609257	LYNCH, KEVIN	08/25/2023	R	11,460.80	August
609258	MACKENTHUN'S FINE FOODS	08/25/2023	R	102.84	August
609259	MEI TOTAL ELEVATOR SOLUTIONS	08/25/2023	R	753.33	August
609260	METRO WEST CONFERENCE	08/25/2023	R	6,500.00	August
609261	MINI BIFF LLC	08/25/2023	R	99.96	August
609262	MN INSURANCE SCHOLASTIC TRUST	08/25/2023	R	385,577.61	August
609263	MRI SOFTWARE LLC	08/25/2023	R	26.00	August
609264	NCS PEARSON, INC	08/25/2023	R	5,214.98	August
609265	PROFESSIONAL TURF & RENOVATION	08/25/2023	R	6,290.63	August
609266	PROJECT LEAD THE WAY, INC	08/25/2023	R	4,150.00	August
609267	REALLY GOOD STUFF LLC	08/25/2023	R	278.67	August
609268	SCENARIO LEARNING LLC	08/25/2023	R	2,076.80	August
609269	SCHOLASTIC, INC	08/25/2023	R	164.73	August
609270	SCHOOL SPECIALTY, LLC	08/25/2023	R	64.95	August
609271	TERRAFORM PHOENIX II ARCADIA	08/25/2023	R	441.15	August
609272	WACONIA SUBWAY	08/25/2023	R	4,355.50	August
609273	AMAZON CAPITAL SERVICES	08/25/2023	R	14,840.88	August
609274	BLUUM OF MINNESOTA LLC	08/25/2023	R	1,468.18	August
609275	NAHAN, SHELLY	08/25/2023	R	2,073.60	August
609276	SQUIRES,WALDSPURGER & MACE PA	08/25/2023	R	2,502.00	August
609277	EYE MED-FIDELITY SECURITY LIFE	08/31/2023	R	2,177.60	August
609278	NCPERS GROUP LIFE INS	08/31/2023	R	96.00	August
609279	RODENBURG LAW FIRM	08/31/2023	R	685.06	August
609280	SCHOOL SERVICE EMPLOYEES	08/31/2023	R	1,058.50	August
609281	INTERMEDIATE DIST #287	09/01/2023	R	22,173.60	September
609282	ISD 31 BEMIDJI AREA SCHOOLS	09/01/2023	R	12,649.35	September

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
609283	KOCH SCHOOL BUS SERVICE, INC	09/01/2023	R	46,571.48	September
609284	SOUTHWEST METRO INTERMEDIATE D	09/01/2023	R	53.58	September
609285	A & D SOLUTIONS LLC	09/01/2023	R	226.00	September
609286	A H HERMEL COMPANY	09/01/2023	R	2,857.03	September
609287	BEST BUY BUSINESS ADV ACCT	09/01/2023	R	8,900.00	September
609288	BIFFS, INC	09/01/2023	R	1,522.00	September
609289	BJORKLUND COMPENSATION LLC	09/01/2023	R	150.00	September
609290	BSN SPORTS LLC	09/01/2023	R	4,409.39	September
609291	BURMAN, FRED	09/01/2023	R	800.00	September
609292	CASS STREET PUBLISHERS, INC	09/01/2023	R	200.00	September
609293	CD PRODUCTS INC	09/01/2023	R	66.00	September
609294	CodeHS, INC	09/01/2023	R	2,600.00	September
609295	COLD STONE CREAMERY	09/01/2023	R	1,864.00	September
609296	CUSHMAN, KEITH	09/01/2023	R	76.15	September
609297	DEMCO, INC	09/01/2023	R	317.67	September
609298	DISCOUNT SCHOOL SUPPLY	09/01/2023	R	1,966.65	September
609299	DON'S SOD SERVICE	09/01/2023	R	280.00	September
609300	FINKE, CINDY	09/01/2023	R	44.20	September
609301	FLINN SCIENTIFIC	09/01/2023	R	765.00	September
609302	FRANKLIN PRINTING INC	09/01/2023	R	20.20	September
609303	GOLD MEDAL MPLS ML55	09/01/2023	R	1,776.80	September
609304	GREAT LAKES COCA-COLA DIST	09/01/2023	R	3,626.28	September
609305	HAAS, CASEY	09/01/2023	R	150.00	September
609306	HAAS, NATHAN	09/01/2023	R	150.00	September
609307	HAPPY FEET SOCCER TWIN CITIES	09/01/2023	R	2,000.00	September
609308	HIGH POINT NETWORKS, LLC	09/01/2023	R	2,450.00	September
609309	HILDI INC	09/01/2023	R	600.00	September
609310	HILLYARD/HUTCHINSON	09/01/2023	R	83.32	September
609311	ILLUMINATE EDUCATION INC	09/01/2023	R	18,777.50	September
609312	INDIANHEAD FS DISTRIBUTOR, INC	09/01/2023	R	1,976.01	September
609313	JUREK, JOSHUA	09/01/2023	R	800.00	September
609314	KEEGAN, KEVIN	09/01/2023	R	800.00	September
609315	KRUGERUD, JOSH	09/01/2023	R	400.00	September
609316	KULLY SUPPLY COMPANY	09/01/2023	R	182.86	September
609317	LAKESHORE LEARNING MATERIALS L	09/01/2023	R	267.09	September
609318	LANGER, BETHANY	09/01/2023	R	60.00	September
609319	LANO EQUIPMENT INC	09/01/2023	R	19.95	September
609320	LessonPix, Inc	09/01/2023	R	252.00	September
609321	LTR TUTORING ASSOC. LLC	09/01/2023	R	300.00	September
609322	MEEHAN, NAOMI	09/01/2023	R	40.00	September
609323	MSHSL	09/01/2023	R	2,200.00	September
609324	OCCUPATIONAL HLTH CNTRS MN PC	09/01/2023	R	282.00	September
609325	OFFICE OF MNIT SERVICES	09/01/2023	R	8.40	September
609326	PLANSOURCE BENEFITS ADMIN INC	09/01/2023	R	3,066.05	September
609327	POLLEY, BENJAMIN	09/01/2023	R	800.00	September
609328	POZEGA, JUSTIN	09/01/2023	R	400.00	September
609329	PRO-ED INC	09/01/2023	R	677.00	September
609330	REALLY GOOD STUFF LLC	09/01/2023	R	110.16	September
609331	RICORD, SHERI	09/01/2023	R	40.00	September
609332	SASC LLC	09/01/2023	R	80.69	September
609333	SCHOLASTIC, INC	09/01/2023	R	439.56	September
609334	SCHOOL SPECIALTY, LLC	09/01/2023	R	2,440.36	September
609335	SEIM, GRACE	09/01/2023	R	200.00	September
609336	SONOVA USA INC	09/01/2023	R	4,062.54	September
609337	STAR TRIBUNE	09/01/2023	R	197.50	September
609338	STUEDEMANN, PAIGE	09/01/2023	R	39.50	September

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	POST AMOUNT	MONTH
609339	SUPREME SCHOOL SUPPLY	09/01/2023	R	94.58	September
609340	SWANSON, LYDIA	09/01/2023	R	200.00	September
609341	THIESFELD, NATALIE	09/01/2023	R	400.00	September
609342	THIRD SPHERE LLC	09/01/2023	R	2,000.00	September
609343	TOBII DYNAVOX	09/01/2023	R	99.00	September
609344	UNIVERSAL ATHLETIC LLC	09/01/2023	R	172.79	September
609345	WIENHOLD, MIKAYLA	09/01/2023	R	13.15	September
609346	WRIGHT, JULIAN	09/01/2023	R	600.00	September
609347	TATE, PAUL	09/05/2023	R	95.00	September
609348	21ST CENTURY SPORTS LLC	09/08/2023	R	4,855.75	September
609349	AFFINETY SOLUTIONS, INC	09/08/2023	R	710.00	September
609350	AVIBEN	09/08/2023	R	250.04	September
609351	BEHRENS, CHARLES	09/08/2023	R	294.00	September
609352	BSN SPORTS LLC	09/08/2023	R	3,484.86	September
609353	BUFFALO HIGH SCHOOL	09/08/2023	R	200.00	September
609354	CANON FINANCIAL SERVICES INC	09/08/2023	R	890.18	September
609355	CAPITAL ONE TRADE CREDIT	09/08/2023	R	633.19	September
609356	CDW GOVERNMENT	09/08/2023	R	37,689.30	September
609357	CHARCHENKO, BRAD	09/08/2023	R	89.00	September
609358	CHASKA HIGH SCHOOL	09/08/2023	R	400.00	September
609359	CUTLER, ZOE	09/08/2023	R	143.00	September
609360	DVORAK, STEVE	09/08/2023	R	98.00	September
609361	EAST RIDGE HIGH SCHOOL	09/08/2023	R	350.00	September
609362	EBCO INC	09/08/2023	R	97.50	September
609363	FARIBO MANUFACTURING CO	09/08/2023	R	2,712.86	September
609364	FRANKLIN PRINTING INC	09/08/2023	R	1,140.54	September
609365	HELEN SOLAR LLC	09/08/2023	R	7,394.34	September
609366	HOLT PETERSON BUS	09/08/2023	R	2,830.00	September
609367	HOLTON ELECTRIC CONTRACTORS	09/08/2023	R	5,741.59	September
609368	INDIANHEAD FS DISTRIBUTOR, INC	09/08/2023	R	9,375.26	September
609369	INNOVATIVE OFFICE SOLUTIONS LL	09/08/2023	R	173.72	September
609370	IntraData	09/08/2023	R	850.00	September
609371	KAHMEYER, MAX	09/08/2023	R	143.00	September
609372	KAHMEYER, TROY	09/08/2023	R	143.00	September
609373	LITCHFIELD HIGH SCHOOL	09/08/2023	R	125.00	September
609374	LITERACY RESOURCES LLC	09/08/2023	R	384.48	September
609375	LOFFLER COMPANIES	09/08/2023	R	127.85	September
609376	MASSACHUSETTS BAY TRADING CO	09/08/2023	R	254.60	September
609377	MASSP	09/08/2023	R	595.00	September
609378	MESPA	09/08/2023	R	713.00	September
609379	METRONET	09/08/2023	R	1,843.04	September
609380	MOUND WESTONKA HS	09/08/2023	R	375.00	September
609381	MYSTERY SCIENCE	09/08/2023	R	1,395.00	September
609382	NEW PRAGUE HIGH SCHOOL	09/08/2023	R	125.00	September
609383	NICE SHIRT CO.	09/08/2023	R	142.57	September
609384	OCONITRILLO, JORGE	09/08/2023	R	89.00	September
609385	PERNSTEINER CREATIVE GROUP, IN	09/08/2023	R	1,942.00	September
609386	PRIOR LAKE HIGH SCHOOL	09/08/2023	R	150.00	September
609387	PRO-ED INC	09/08/2023	R	859.10	September
609388	ROCHESTER 100, INC	09/08/2023	R	763.00	September
609389	ROWAN, ADAM	09/08/2023	R	143.00	September
609390	SCHOOL DATABOOKS, INC	09/08/2023	R	1,357.92	September
609391	SCHOOL SPECIALTY, LLC	09/08/2023	R	521.12	September
609392	ST OLAF COLLEGE ATHLETICS	09/08/2023	R	500.00	September
609393	ST PETER HIGH SCHOOL	09/08/2023	R	125.00	September
609394	STAPLES ADVANTAGE	09/08/2023	R	963.15	September

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
609395	STATUE CRUISES LLC	09/08/2023	R	763.80	September
609396	STMA VOLLEYBALL BOOSTERS	09/08/2023	R	425.00	September
609397	SUMDOG INC	09/08/2023	R	912.00	September
609398	SUNBEEB, SUBEL	09/08/2023	R	143.00	September
609399	SUPREME SCHOOL SUPPLY	09/08/2023	R	103.02	September
609400	TEAMGENIUS	09/08/2023	R	2,000.00	September
609401	TRI CITY UNITED HIGH SCHOOL	09/08/2023	R	200.00	September
609402	TRIO SUPPLY COMPANY	09/08/2023	R	633.91	September
609403	UNIVERSITY OF OREGON	09/08/2023	R	350.00	September
609404	US BANK	09/08/2023	R	1,980.00	September
609405	WA-CO REPAIR	09/08/2023	R	437.73	September
609406	WACONIA PATRIOT	09/08/2023	R	72.35	September
609407	WAYNE DAUWALTER PLUMBING	09/08/2023	R	663.06	September
609408	WEST MUSIC	09/08/2023	R	5,591.92	September
609409	ZIEDAN, MOHAMED	09/08/2023	R	143.00	September
609410	AMAZON CAPITAL SERVICES	09/11/2023	R	7,414.77	September
609412	CITY OF WACONIA	09/13/2023	R	100.00	September
609413	SECURITY BANK & TRUST CO	09/13/2023	R	1,300.00	September
609414	AIRGAS USA LLC	09/15/2023	R	116.15	September
609415	ALPHA WIRELESS COMMUNICATIONS	09/15/2023	R	378.32	September
609416	AV FOR YOU LLC	09/15/2023	R	1,720.00	September
609417	BAKERY ON MAIN	09/15/2023	R	189.00	September
609418	BNR IRRIGATION SERVICES INC	09/15/2023	R	3,402.61	September
609419	BSN SPORTS LLC	09/15/2023	R	3,861.83	September
609420	CITY OF WACONIA	09/15/2023	R	6,622.13	September
609421	COLONY PLAZA, INC	09/15/2023	R	131.72	September
609422	COMMITTEE FOR CHILDREN	09/15/2023	R	3,178.00	September
609423	CULINEX	09/15/2023	R	6,943.75	September
609424	CULLIGAN BOTTLED WATER	09/15/2023	R	609.00	September
609425	DUBAY, GABRIEL	09/15/2023	R	60.00	September
609426	DUBAY, SUNIL	09/15/2023	R	60.00	September
609427	ECM PUBLISHERS, INC	09/15/2023	R	522.70	September
609428	ELSMORE SWIM SHOP	09/15/2023	R	238.90	September
609429	FRANKLIN PRINTING INC	09/15/2023	R	167.61	September
609430	GARBANZO LLC	09/15/2023	R	447.00	September
609431	GREAT LAKES COCA-COLA DIST	09/15/2023	R	1,966.58	September
609432	GREAT MINDS PBC	09/15/2023	R	44,783.40	September
609433	HAAS, CASEY	09/15/2023	R	150.00	September
609434	HAAS, NATHAN	09/15/2023	R	150.00	September
609435	HEGER'S DAIRY LLC	09/15/2023	R	3,086.92	September
609436	HENDRYCKS, PHIL	09/15/2023	R	702.00	September
609437	HILLYARD/HUTCHINSON	09/15/2023	R	347.85	September
609438	HOLTON ELECTRIC CONTRACTORS	09/15/2023	R	1,020.96	September
609439	HOYER, LINDSEY	09/15/2023	R	430.00	September
609440	HUSTLE & HEART SPORTS	09/15/2023	R	449.40	September
609441	INDIANHEAD FS DISTRIBUTOR, INC	09/15/2023	R	28,141.14	September
609442	INNOVATIVE OFFICE SOLUTIONS LL	09/15/2023	R	147.26	September
609443	JOHN'S PIZZERIA	09/15/2023	R	2,056.90	September
609444	KRAEMER, JILL	09/15/2023	R	685.70	September
609445	KROMER COMPANY	09/15/2023	R	105.00	September
609446	LAKESHORE LEARNING MATERIALS L	09/15/2023	R	128.38	September
609447	LANZAS, SARA	09/15/2023	R	100.30	September
609448	LVC COMPANIES INC	09/15/2023	R	3,200.00	September
609449	MACKIN LIBRARY SERVICE	09/15/2023	R	810.90	September
609450	MN CLAY CO USA	09/15/2023	R	2,116.55	September
609451	MN COMMUNITY ED ASSOC	09/15/2023	R	45.00	September

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
609452	OWENS COMPANIES INC	09/15/2023	R	266.00	September
609453	PARKING MARKING INC	09/15/2023	R	3,525.00	September
609454	PARTY CRASHERS RC RACING	09/15/2023	R	360.00	September
609455	PERFORMANCE FOODSERVICE	09/15/2023	R	2,469.79	September
609456	PICK A TIME	09/15/2023	R	161.40	September
609457	PMA ASSET MANAGEMENT, LLC	09/15/2023	R	186.67	September
609458	PROFESSIONAL TURF & RENOVATION	09/15/2023	R	1,278.63	September
609459	PROJECT LEAD THE WAY, INC	09/15/2023	R	890.00	September
609460	QUADIENT INC	09/15/2023	R	21.85	September
609461	RAHS FIREBEARS ROBOTICS	09/15/2023	R	250.00	September
609462	RiseNY	09/15/2023	R	1,295.36	September
609463	RIVERS EDGE CONCRETE LLC	09/15/2023	R	734.71	September
609464	SASC LLC	09/15/2023	R	4,500.00	September
609465	SCAN AIR FILTER, INC	09/15/2023	R	1,479.31	September
609466	SCHEFF, GREG	09/15/2023	R	75.00	September
609467	SCHOOL SPECIALTY, LLC	09/15/2023	R	2,999.27	September
609468	SERDAR, REBECCA	09/15/2023	R	100.00	September
609469	SHELBURNE ADVERTISING INC.	09/15/2023	R	268.00	September
609470	SOUTHWEST METRO INTERMEDIATE D	09/15/2023	R	47,161.54	September
609471	SPARBY, JOSHUA	09/15/2023	R	40.00	September
609472	STAPLES ADVANTAGE	09/15/2023	R	73.46	September
609473	SUMMIT OVA TENANT LLC	09/15/2023	R	1,600.48	September
609474	TRESONA MULTIMEDIA LLC	09/15/2023	R	2,100.00	September
609475	TRIO SUPPLY COMPANY	09/15/2023	R	1,951.29	September
609476	UNIVERSAL ATHLETIC LLC	09/15/2023	R	4,791.00	September
609477	WACONIA PATRIOT	09/15/2023	R	77.55	September
609478	WACONIA CLINIC PHARMACY	09/15/2023	R	420.00	September
609479	WILLIAM V MACGILL & CO	09/15/2023	R	1,547.54	September
609480	WILSON LANGUAGE TRAINING CORP	09/15/2023	R	665.00	September
609481	WINSTED SOLAR LLC	09/15/2023	R	8,485.88	September
609482	WM CORPORATE SERVICES INC	09/15/2023	R	2,157.82	September
609483	MUELKEN, EMILY	09/18/2023	R	84.00	September
202300100	LIFE INS CO OF NORTH AMERICA	08/15/2023	W	2,913.81	August
202300106	ONEBRIDGE BENEFITS, INC.	08/15/2023	W	666.72	August
202300110	LIFE INS CO OF NORTH AMERICA	08/15/2023	W	1,311.79	August
202300115	ONEBRIDGE BENEFITS, INC.	08/15/2023	W	3,401.07	August
202300119	INTERNAL REVENUE SERVICE	07/14/2023	W	1,339.98	August
202300120	MN DEPT OF REVENUE	07/14/2023	W	262.21	August
202300121	MN TEACHERS RETIREMENT ASSN	07/14/2023	W	928.13	August
202300126	INTERNAL REVENUE SERVICE	07/31/2023	W	1,307.90	August
202300127	MN DEPT OF REVENUE	07/31/2023	W	252.29	August
202300128	MN TEACHERS RETIREMENT ASSN	07/31/2023	W	928.13	August
202300129	AVIBEN	07/31/2023	W	291.66	August
202300138	INTERNAL REVENUE SERVICE	08/15/2023	W	1,307.90	August
202300139	MN DEPT OF REVENUE	08/15/2023	W	252.29	August
202300140	MN TEACHERS RETIREMENT ASSN	08/15/2023	W	928.13	August
202300141	AVIBEN	08/15/2023	W	291.66	August
202300142	INTERNAL REVENUE SERVICE	08/15/2023	W	39.15	August
202300143	MN DEPT OF REVENUE	08/15/2023	W	2.96	August
202300144	PERA	08/15/2023	W	34.65	August
202300147	INTERNAL REVENUE SERVICE	08/31/2023	W	175,003.05	August
202300148	LIFE INS CO OF NORTH AMERICA	08/31/2023	W	5,747.13	August
202300149	MN CHILD SUPPORT PYMT CENTER	08/31/2023	W	128.00	August
202300150	MN DEPT OF REVENUE	08/31/2023	W	28,154.26	August
202300151	MN TEACHERS RETIREMENT ASSN	08/31/2023	W	128,967.95	August
202300152	PERA	08/31/2023	W	9,349.14	August

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
202300153	AVIBEN	08/31/2023	W	46,065.04	August
202300154	ONEBRIDGE BENEFITS, INC.	08/31/2023	W	666.68	August
202300157	INTERNAL REVENUE SERVICE	08/31/2023	W	76,274.29	August
202300158	LIFE INS CO OF NORTH AMERICA	08/31/2023	W	1,313.79	August
202300159	MN DEPT OF REVENUE	08/31/2023	W	11,906.25	August
202300160	MN TEACHERS RETIREMENT ASSN	08/31/2023	W	22,877.71	August
202300161	PERA	08/31/2023	W	25,387.82	August
202300162	AVIBEN	08/31/2023	W	11,264.54	August
202300163	ONEBRIDGE BENEFITS, INC.	08/31/2023	W	3,279.07	August
202300164	TARGET BANK	09/10/2023	W	890.84	September
202300165	WEBSTAIRANT STORE	09/10/2023	W	1,129.59	September
202300166	KOWALSKI'S MARKETS	09/10/2023	W	687.02	September
202300169	CARVER COUNTY PARKS & RECREATI	09/10/2023	W	28.00	September
202300170	CARVER COUNTY FAIR	09/10/2023	W	944.50	September
202300175	DIGITAL INSPIRATION	09/10/2023	W	39.00	September
202300176	CARVER COUNTY	09/10/2023	W	1,837.50	September
202300177	AUTO CLUB GROUP	09/10/2023	W	200.50	September
202300178	TEACHERS SYNERGY, LLC	09/10/2023	W	164.00	September
202300179	POP UP PARTY RENTAL	09/10/2023	W	1,071.14	September
202300180	MULTI-HEALTH SYSTEMS	09/10/2023	W	112.50	September
202300181	EMAGINE WACONIA	09/10/2023	W	783.00	September
202300182	ALDI	09/10/2023	W	131.63	September
202300183	NORTHFIELD LINES, INC	09/10/2023	W	1,242.22	September
202300184	WACONIA SUBWAY	09/10/2023	W	258.51	September
202300185	DOMINO'S PIZZA	09/10/2023	W	140.00	September
202300187	BITLY EUROPE GmbH	09/10/2023	W	119.88	September
202300188	MAILCHIMP	09/10/2023	W	265.00	September
202300189	DOLLAR TREE	09/10/2023	W	25.00	September
202300190	MASPA/STATE NEGOTIATORS	09/10/2023	W	835.00	September
202300192	JONES SCHOOL SUPPLY	09/10/2023	W	20.49	September
202300194	MBM Corporation	09/10/2023	W	74.04	September
202300196	PANTHEON	09/10/2023	W	6,600.00	September
202300197	GROUP SALES BOX OFFICE LLC	09/10/2023	W	3,200.50	September
202300199	EMPOWER CONSULTING	09/10/2023	W	252.00	September
202300200	MN VALLEY ELECTRIC CORP	09/10/2023	W	35,446.41	September
202300201	TWIN CITIES SOCCER LEAGUES	09/10/2023	W	1,000.00	September
202300202	MEDSOURCE USA	09/10/2023	W	785.00	September
202300203	AT&T MOBILITY	09/10/2023	W	148.80	September
202300205	Aquacide Company	09/10/2023	W	1,576.00	September
202300206	CPI	09/10/2023	W	6,359.75	September
202300208	WILSON LANGUAGE TRAINING CORP	09/10/2023	W	320.00	September
202300211	UPS STORE	09/10/2023	W	16.17	September
202300212	XCEL ENERGY	08/25/2023	W	72.80	August
202300213	T-MOBILE	08/30/2023	W	1,400.00	August
202300214	AT&T MOBILITY	08/01/2023	W	504.23	August
202300215	CENTERPOINT ENERGY	08/23/2023	W	10,471.51	August
202300216	QUADIENT FINANCE USA, INC	08/24/2023	W	600.00	August
202300218	SECURITY BANK & TRUST CO	08/31/2023	W	163.75	August
202300219	KANSAS STATE BANK	08/31/2023	W	81,286.83	August
202300220	AUTHORIZE.NET	08/02/2023	W	247.25	August
202300221	EDUTRAK LLC	08/10/2023	W	19,211.80	August
202300222	ONEBRIDGE BENEFITS, INC.	08/16/2023	W	995.50	August
202300223	BRI Parent, Inc	08/31/2023	W	412.50	August
202300224	BLUE CROSS AND BLUE SHIELD OF	08/21/2023	W	735,824.70	August
202300225	PMA ASSET MANAGEMENT, LLC	08/31/2023	W	20.83	August
202300229	INTERNAL REVENUE SERVICE	09/15/2023	W	265,342.57	September

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
202300231	MN CHILD SUPPORT PYMT CENTER	09/15/2023	W	128.00	September
202300232	MN DEPT OF REVENUE	09/15/2023	W	42,002.97	September
202300233	MN TEACHERS RETIREMENT ASSN	09/15/2023	W	150,585.55	September
202300234	PERA	09/15/2023	W	45,537.03	September
202300235	AVIBEN	09/15/2023	W	58,006.41	September
202300237	INTERNAL REVENUE SERVICE	09/15/2023	W	564.59	September
202300238	MN DEPT OF REVENUE	09/15/2023	W	54.05	September
232400004	MEUFFELS, JUDY	08/24/2023	A	54.90	August
232400005	OLSON, KENDRA	08/24/2023	A	64.45	August
232400006	SELTZ, ANDREW	08/24/2023	A	75.00	August
232400007	AMENT, NANCY	09/01/2023	A	60.26	September
232400008	PORTHAN, SAMUEL	09/01/2023	A	43.49	September
232400009	SIEGLE, DARLENE	09/01/2023	A	77.81	September
Totals for checks				3,090,235.61	

FUND SUMMARY

<u>FUND</u>	<u>DESCRIPTION</u>	<u>BALANCE SHEET</u>	<u>REVENUE</u>	<u>EXPENSE</u>	<u>TOTAL</u>
01	General	1,740,621.80	0.00	1,039,320.63	2,779,942.43
02	Food Service	48,567.11	0.00	87,719.11	136,286.22
04	Community Service	77,353.27	0.00	96,446.19	173,799.46
45	OPEB Irrevocable Trust Fund	0.00	0.00	207.50	207.50
***	Fund Summary Totals ***	1,866,542.18	0.00	1,223,693.43	3,090,235.61

\*\*\*\*\* 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 – September 25, 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**

<b>Anderson, Kara</b> Replacement	Educational Assistant (SPED) 4 Hours/Day; 175 Days	BV
<b>Beery, Alisa</b> Replacement	Educational Assistant(SPED) 2.75 Hours/Day; 175 Days	BV
<b>Leonard, Jessica</b> Replacement	Educational Assistant (SPED) 3 Hours/Day; 175 Days	ESC
<b>Donahue, John Paul</b> Replacement	Music Accompanist 2.25 Hours/Day; 175 Days	WMS
<b>Romero, Jessica</b> Replacement	Educational Assistant (SPED) 6.5 Hours/Day; 175 Days	SV
<b>Schuler, Amber</b> Replacement	Preschool Teacher 1.75 Hours/Day; 175 Days	Comm Ed

**Employee Status Changes** - Still need to add a bunch of NTSV changes

**Bloem, Jennifer**, from Nutritional Assistant to Assistant Head Cook at WHS

**Dettman, Amy**, Special Education Teacher, Overload added for Trimester I at WHS

**Geyen, Dennis**, Nutritional Assistant, from 4.5 hours/day to 5 hours/day at WHS  
**Gonzalez, Alexis**, Kids' Company Lead, from casual hours to 7.25 hours/day at Comm Ed  
**Heuer, Debra**, Educational Assistant (SPED), from 6.5 hours/day to 8 hours/day at WMS  
**Holt-Olson, Amanda**, from Nutritional Assistant to Assistant Head Cook at WMS  
**Jantz, Matthew**, from Head Cook at SV to District Baker at WHS  
**Johnson, Kendra**, Educational Assistant (SPED), from 4.5 hours/day to 6.25 hours/day at WHS  
**Johnson, Tracy**, Special Education Teacher, Overload added for Trimester I at WHS  
**Kern, Elmira**, Educational Assistant (SPED), from 6.5 hours/day to 7.25 hours/day at WMS  
**Kester, Amy**, Educational Assistant (SPED), from 6.5 hours/day to 8 hours/day at WMS  
**Larson, Nicole**, Educational Assistant (SPED), from 6.5 hours/day to 8 hours/day at LT  
**Mann, Kat**, FACS Teacher, Overload added for Trimester I at WHS  
**Nenovich, Melissa**, Educational Assistant (SPED), from 6.5 hours/day to 6.75 hours/day at WHS  
**Phenix, Amanda**, Educational Assistant (SPED), from 6.5 hours/day to 6.75 hours/day at WMS  
**Sarcletti, Dana**, from Assistant Head Cook at WMS to Head Cook at SV  
**Smith, Jeffrey**, Kids' Company Lead, from casual hours to 6 hours/day at Comm Ed  
**Smith, Jeffrey**, Adding 2 hours/day as Educational Assistant at LT to current 6 hours/day as Kids' Company Lead at Comm Ed  
**Tibbits, Mason**, from Educational Assistant (SPED) to Grade 2 Teacher at BV **Attach K**  
**Wothe, Stacy**, Educational Assistant (SPED), from 6.5 hours/day to 6.75 hours/day at WMS

#### **Leaves of Absence**

**Alger, Lynette**, Guidance Counselor at WHS  
**Stifter, Mary**, Assistant Head Cook at LT

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

#### **Retirements/Resignations/Terminations**

**Johnson, Jan**, Day Lead Custodian at BV

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

5.C. Receipts of Donation

6. **REPORTS**

6.A. Student Representative Report

**Presenter:** Stella  
Atkinson and Jayden  
Kisner

6.B. Administrative Presentation: Waconia High  
School



# Waconia High School Industrial Technology Program

**Peter Brown & Sam Porthan**

# Course Offerings

- Construction
- Small Engine Repair
- Woodworking Technology
- Advanced Cabinetry
- Introduction to Woodworking
- Introduction to Metal Working
- Metals Technology
- Automotive Maintenance
- Electricity
- Entrepreneurship
- Senior Seminar
- Adaptive Industrial Tech



# Mission

*Offer students exceptional opportunities to learn while keeping up with industry standards.*

*Students need to learn how to be great people and great employees first and technical skills will follow.*



# Signing Day

- Showcases student achievement for students pursuing careers in the trades and apprenticeship programs.
- Students have the opportunity to discuss their goals and employment opportunities with community partners.



# Community Partnerships

- The WHS Industrial Technology program has the privilege of working with a group of wonderful business owners from the community to enhance its offerings to keep up with industry needs.



# Industry Professionals in the Classroom

- Sackett-Waconia and numerous businesses have given students the opportunity to learn from their professionals to get a feel for industry opportunities.



# Experiencing the Trades

- Students interested in learning more about industry had the unique opportunity to travel to four local businesses to get a “behind the scenes” tour of what their futures in the trades could look like.



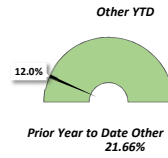
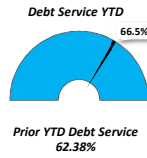
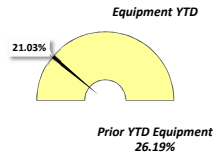
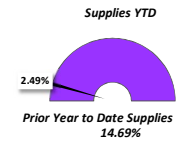
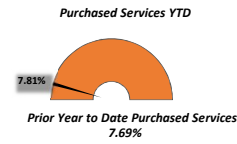
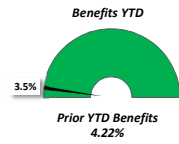
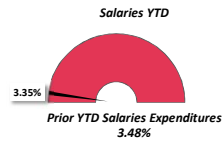


# Questions?

6.C. Finance Report

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

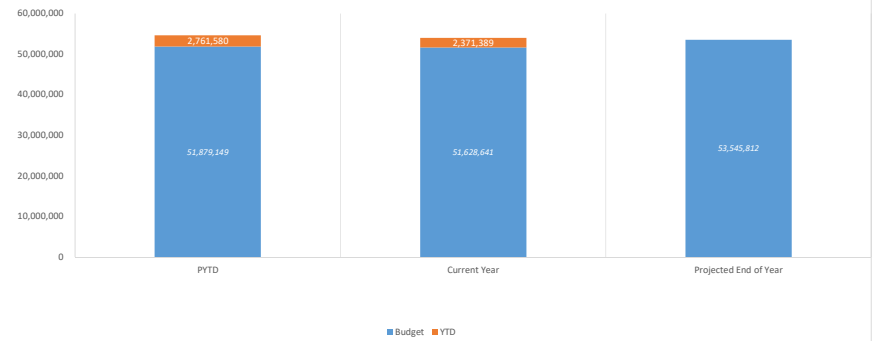
**YTD % Expenditures vs. PYTD % Expenditures**



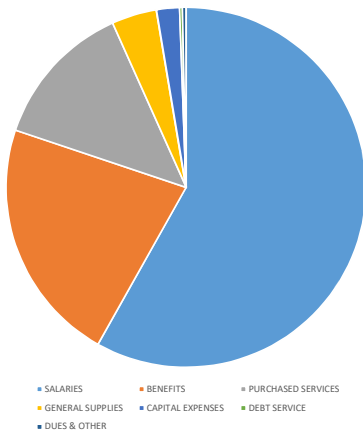
**Top 10 Expenditures YTD by Object Code 3  
Variance from PYTD Received**

	Current YTD	Variance vs. PYTD Received
1 TOTAL SALARIES AND WAGES	\$969,972	-\$78,829
2 TOTAL PURCHASED SERVICES	\$569,531	\$45,404
3 TOTAL EMPLOYEE BENEFITS	\$417,047	-\$64,475
4 INSURANCE	\$385,977	\$113,737
5 ADMINISTRATION/SUPERVISION	\$373,015	-\$44,251
6 NON-INSTRUCTIONAL SOFTWARE LICENSE	\$245,738	\$10,044
7 HEALTH INSURANCE	\$182,019	-\$7,463
8 INSTRUCTIONAL SOFTWARE LICENSE	\$88,029	-\$82,238
9 CONSULTING FEES/FEES FOR SERVICE	\$79,071	\$17,461
10 FICA/MEDICARE	\$70,452	-\$7,532

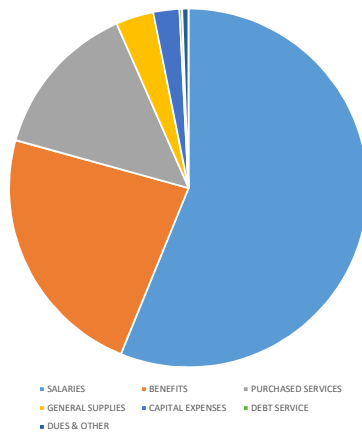
**Total General Expenditures Budgeted, Projected, YTD and ,  
PYTD Expended**



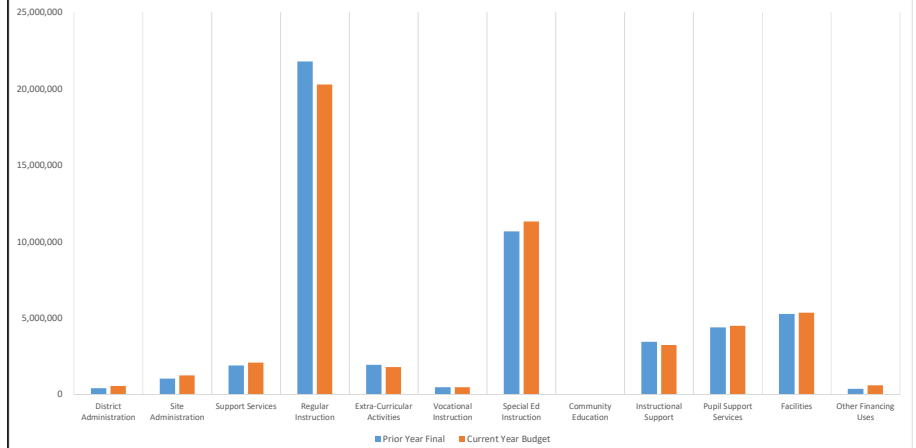
**Prior Year Final**



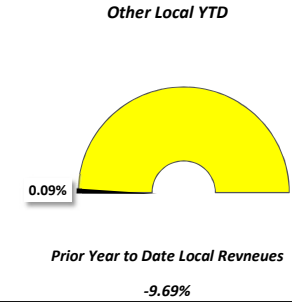
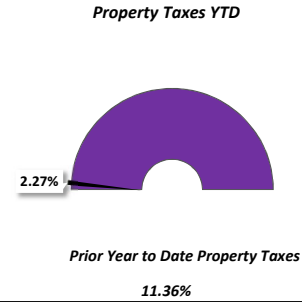
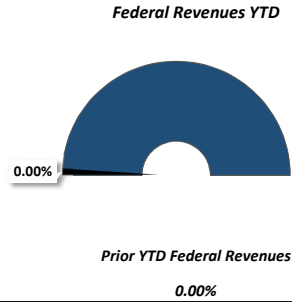
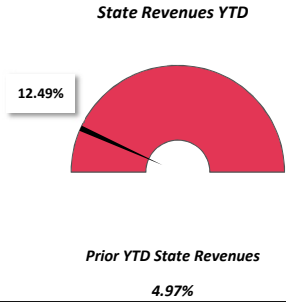
**Current Year Budget**



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

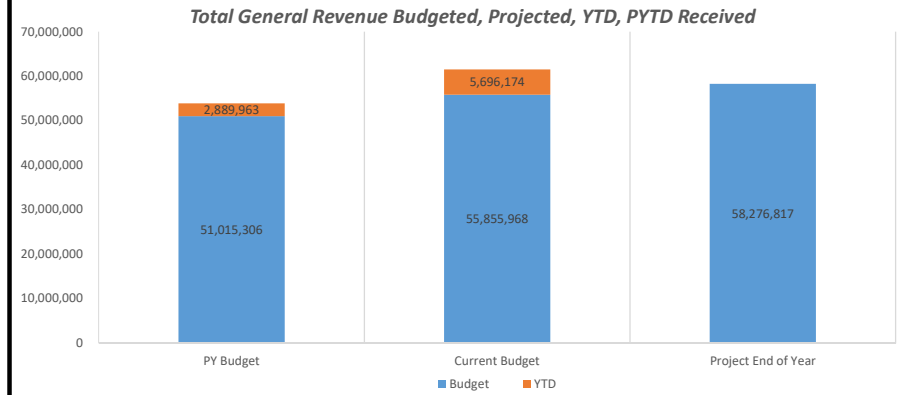


**YTD % Received vs. PYTD % Received**

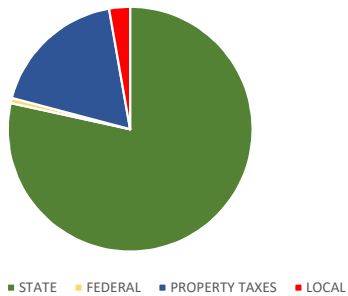


**Top 5 Revenues Received YTD by Source Code 3**

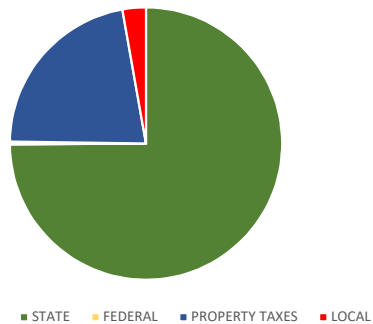
	Current YTD	Variance vs. PYTD
1 Total STATE REVENUES	\$5,468,305	\$3,617,092
2 GENERAL EDUCATION AID	\$3,851,532	\$2,311,609
3 STATE AID FOR SPECIAL EDUC	\$1,598,871	\$1,262,932
4 Total LOCAL REVENUES	\$227,869	-\$810,882
5 PROPERTY TAX LEVY-GENERA	\$226,285	-\$978,606



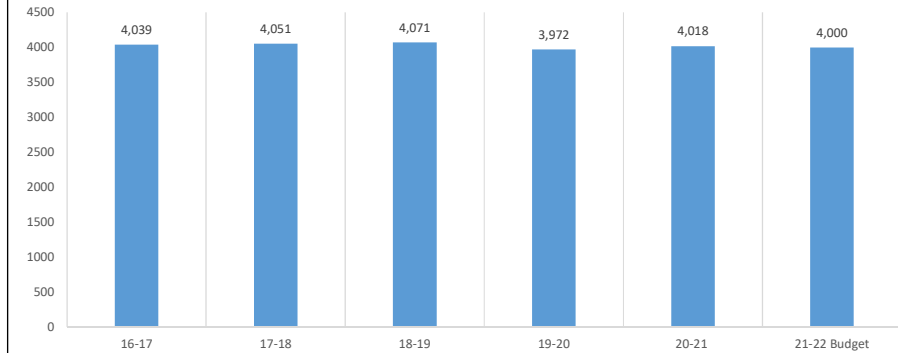
**Current Year Revenue Budget**



**Prior Year Revenue Budget**



**End of Year ADM History**



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

WACONIA | August 31, 2023

REVENUE CATEGORIES						August 31, 2023	August 31, 2022	August 31, 2021	Current YTD vs. PYTD	August 31, 2022	August 31, 2021	
	June 30, 2022	June 30, 2023	Adopted Budget	Projected End Of Year	Received YTD	Budget Remaining	% of Budget Received	% of Actuals Received		% of Actuals Received		
STATE	40,345,099	37,260,990	43,795,018	46,800,165	5,468,305	38,326,713	12.49%	4.97%	3.99%	3,617,092	1,851,213	1,609,908
FEDERAL	1,700,285	1,435,007	378,471	381,172	0	378,471	0.00%	0.00%	0.00%	0	0	0
PROPERTY TAXES	8,137,678	10,934,858	10,135,132	9,801,343	331,673	9,803,459	3.27%	11.94%	14.50%	(973,869)	1,305,541	1,179,587
LOCAL SALES, INS RECOVERY & JUDGEMENTS	324,630	19,760	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
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.)	1,343,135	1,364,691	1,547,347	1,294,137	(103,803)	1,651,150	-6.71%	-19.55%	13.17%	162,987	(266,790)	176,956
<b>TOTALS</b>	<b>51,850,827</b>	<b>51,015,306</b>	<b>55,855,968</b>	<b>58,276,817</b>	<b>5,696,174</b>	<b>50,159,794</b>	<b>10.20%</b>	<b>5.66%</b>	<b>5.72%</b>	<b>2,806,210</b>	<b>2,889,963</b>	<b>2,966,450</b>

EXPENDITURES (OBJECT SERIES)						August 31, 2023	August 31, 2022	August 31, 2021	Current YTD vs. PYTD	August 31, 2022	August 31, 2021	
	June 30, 2022	June 30, 2023	Adopted Budget	Projected End Of Year	Expended YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended		% of Actuals Expended		
SALARIES & WAGES	29,139,361	30,121,489	28,955,774	28,944,618	969,972	27,985,802	3.35%	3.48%	3.50%	(78,829)	1,048,801	1,020,090
EMPLOYEE BENEFITS	11,125,828	11,405,543	11,932,890	11,794,109	417,047	11,515,843	3.49%	4.22%	4.60%	(64,475)	481,522	511,662
PURCHASED SERVICES	7,238,541	6,812,536	7,290,190	7,325,912	569,531	6,720,659	7.81%	7.69%	5.88%	45,404	524,127	425,760
SUPPLIES	2,370,587	2,104,413	1,759,041	1,487,161	43,731	1,715,310	2.49%	14.69%	21.91%	(265,413)	309,144	519,459
EQUIPMENT	1,213,965	1,070,691	1,207,555	1,090,841	253,928	953,627	21.03%	26.19%	27.24%	(26,517)	280,445	330,695
DEBT SERVICE	120,056	130,312	122,287	2,536,760	81,287	41,000	66.47%	62.38%	12.13%	0	81,287	14,568
OTHER EXPENDITURES	150,965	167,385	297,904	303,412	35,892	262,012	12.05%	21.66%	17.75%	(362)	36,254	26,792
OTHER FINANCING USES	62,920	66,780	63,000	63,000	0	63,000	0.00%	0.00%	0.00%	0	0	0
<b>TOTALS</b>	<b>51,422,224</b>	<b>51,879,149</b>	<b>51,628,641</b>	<b>53,545,812</b>	<b>2,371,389</b>	<b>49,257,252</b>	<b>4.59%</b>	<b>5.32%</b>	<b>5.54%</b>	<b>(390,191)</b>	<b>2,761,580</b>	<b>2,849,025</b>

EXPENDITURES (PROGRAM SERIES)						August 31, 2023	August 31, 2022	August 31, 2021	Current YTD vs. PYTD	August 31, 2022	August 31, 2021	
	June 30, 2022	June 30, 2023	Adopted Budget	Projected End Of Year	Expended YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended		% of Actuals Expended		
SITE ADMINISTRATION	1,026,709	1,053,266	1,283,277	1,309,560	177,697	1,105,580	13.85%	16.76%	16.43%	1,221	176,476	168,733
DISTRICT ADMINISTRATION	483,475	441,495	587,160	614,591	102,395	484,765	17.44%	21.74%	17.11%	6,397	95,998	82,719
SUPPORT SERVICES	1,927,332	1,918,701	2,108,137	2,146,193	325,067	1,783,070	15.42%	18.24%	17.54%	(24,825)	349,892	338,083
REGULAR INSTRUCTION	21,143,546	21,773,044	20,269,706	20,084,587	335,366	19,934,340	1.65%	1.27%	1.68%	59,018	276,348	354,535
EXTRA-CURRICULAR ACTIVITES	2,084,696	1,956,251	1,805,359	1,326,078	(356,368)	2,161,727	-19.74%	-11.99%	-7.97%	(121,826)	(234,542)	(166,145)
VOCATIONAL INSTRUCTION	457,850	487,456	490,366	476,150	2,224	488,142	0.45%	0.56%	0.63%	(490)	2,714	2,885
SPECIAL EDUCATION	10,227,982	10,686,590	11,316,789	11,341,674	266,014	11,050,775	2.35%	2.35%	2.22%	14,742	251,271	226,985
COMMUNITY SERVICES	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
INSTRUCTIONAL SUPPORT	3,806,134	3,472,102	3,265,186	3,255,490	428,846	2,836,340	13.13%	15.29%	19.91%	(102,127)	530,973	757,945
PUPIL SUPPORT SERVICES	4,310,384	4,419,696	4,520,994	4,576,530	57,851	4,463,143	1.28%	3.39%	1.01%	(91,839)	149,690	43,711
FACILITIES	5,588,880	5,287,970	5,367,817	7,730,485	617,113	4,750,704	11.50%	16.06%	14.40%	(232,323)	849,436	804,784
OTHER FINANCING USES	365,236	382,579	613,850	684,474	415,186	198,664	67.64%	81.90%	64.28%	101,861	313,324	234,790
<b>TOTALS</b>	<b>51,422,224</b>	<b>51,879,149</b>	<b>51,628,641</b>	<b>53,545,812</b>	<b>2,371,389</b>	<b>49,257,252</b>	<b>4.59%</b>	<b>5.32%</b>	<b>5.54%</b>	<b>(390,191)</b>	<b>2,761,580</b>	<b>2,849,025</b>

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

WACONIA | August 31, 2023

ACTIVITY - OTHER FUNDS						August 31,	August 31,	August 31,				August 31,	August 31,																									
	June 30, 2022	June 30, 2023	Adopted Budget	Projected End Of Year	Received YTD	Budget Remaining	% of Budget Received	% of Actuals Received	% of Actuals Received	Current YTD vs. PYTD	2022	2021																										
REVENUE																																						
FOOD SERVICE	4,529,928	2,466,765	4,719,300	4,556,257	0	4,719,300	0.00%	0.00%	7.85%	(75)	75	355,424																										
COMMUNITY EDUCATION	3,446,410	3,543,981	3,730,859	3,877,262	942,020	2,788,839	25.25%	23.43%	17.84%	111,558	830,462	614,767																										
CONSTRUCTION	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0																										
DEBT SERVICE	9,634,971	8,576,173	9,352,090	9,755,781	738,509	8,613,581	7.90%	-2.40%	-2.01%	944,598	(206,089)	(193,813)																										
TRUST	5,547	7,944	0	0	0	0	0.00%	0.00%	0.00%	0	0	0																										
CUSTODIAL	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0																										
INTERNAL SERVICE	414,642	457,960	446,500	454,752	68,394	378,106	15.32%	14.06%	13.80%	4,019	64,375	57,233																										
OPEB REVOCABLE TRUST	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0																										
OPEB IRREVOCABLE TRUST	(52,577)	82,217	186,000	224,197	14,412	171,588	7.75%	31.01%	-35.17%	(11,086)	25,499	18,492																										
OPEB DEBT SERVICE	0	0	0	0	0	0	0.00%	0.00%	0.00%	28	(28)	0																										
<b>TOTALS</b>	<b>17,978,922</b>	<b>15,135,041</b>	<b>18,434,749</b>	<b>18,868,250</b>	<b>1,763,336</b>	<b>16,671,413</b>	<b>9.57%</b>	<b>4.72%</b>	<b>4.74%</b>	<b>1,049,043</b>	<b>714,293</b>	<b>852,103</b>																										
<table border="0" style="width: 100%;"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td>August 31,</td><td>August 31,</td><td>August 31,</td><td colspan="4"></td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td>2023</td><td>2022</td><td>2021</td><td colspan="4"></td> </tr> </table>																			August 31,	August 31,	August 31,											2023	2022	2021				
						August 31,	August 31,	August 31,																														
						2023	2022	2021																														
EXPENDITURES	June 30, 2022	June 30, 2023	Adopted Budget	Projected End Of Year	Expended YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended	% of Actuals Expended	Current YTD vs. PYTD	August 31, 2022	August 31, 2021																										
FOOD SERVICE	2,769,635	3,268,082	3,399,862	3,396,148	150,601	3,249,261	4.43%	2.87%	8.35%	56,794	93,806	231,337																										
COMMUNITY EDUCATION	3,048,544	3,067,784	3,383,052	3,477,397	575,908	2,807,144	17.02%	13.98%	14.96%	147,001	428,907	455,944																										
CONSTRUCTION	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0																										
DEBT SERVICE	9,363,331	9,411,981	9,327,369	9,163,214	1,652,391	7,674,978	17.72%	18.76%	20.07%	(113,338)	1,765,728	1,879,228																										
TRUST	7,950	12,444	0	0	0	0	0.00%	0.00%	0.00%	0	0	0																										
CUSTODIAL	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0																										
INTERNAL SERVICE	449,231	567,713	461,000	438,901	82,492	378,508	17.89%	17.56%	18.39%	(17,179)	99,671	82,634																										
OPEB REVOCABLE TRUST	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0																										
OPEB IRREVOCABLE TRUST	232,432	278,268	368,000	368,069	231	367,769	0.06%	0.08%	0.02%	19	212	42																										
OPEB DEBT SERVICE	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0																										
<b>TOTALS</b>	<b>15,871,123</b>	<b>16,606,272</b>	<b>16,939,283</b>	<b>16,843,729</b>	<b>2,461,622</b>	<b>14,477,661</b>	<b>14.53%</b>	<b>14.38%</b>	<b>16.69%</b>	<b>73,299</b>	<b>2,388,323</b>	<b>2,649,185</b>																										
<table border="0" style="width: 100%;"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td>August 31,</td><td>August 31,</td><td>August 31,</td><td colspan="4"></td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td>2023</td><td>2022</td><td>2021</td><td colspan="4"></td> </tr> </table>																			August 31,	August 31,	August 31,											2023	2022	2021				
						August 31,	August 31,	August 31,																														
						2023	2022	2021																														
SUMMARY - ALL FUNDS	June 30, 2022	June 30, 2023	Adopted Budget	Projected End Of Year	YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended	% of Actuals Expended	Current YTD vs. PYTD	August 31, 2022	August 31, 2021																										
SUMMARY																																						
REVENUE	69,829,749	66,150,347	74,290,717	77,145,067	7,459,509	66,831,208	10.04%	5.45%	5.47%	3,855,253	3,604,257	3,818,554																										
EXPENDITURES	67,293,347	68,485,420	68,567,924	70,389,541	4,833,011	63,734,913	7.05%	7.52%	8.17%	(316,892)	5,149,903	5,498,210																										
SPENDING VARIANCE	2,536,402	(2,335,074)	5,722,793	6,755,526	2,626,499	N/A	N/A	N/A	N/A	4,172,145	(1,545,646)	(1,679,656)																										

7. **ACTION ITEMS**

7.A. Certify Proposed Property Tax Levy/Determine  
Truth in Taxation Hearing Date

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

Hearing Date/Time/Location:

Monday, December 18, 7:00 PM @ District Office  
Conf. Rm A



**TITLE: 23 Pay 24 Property Tax Levy**

**TYPE: Action**

**PRESENTER(S): Ra Chhoth, Director of Finance and Operations**

**BACKGROUND:** Each year ISD #110 is required to approve a proposed levy to the Minnesota Department of Education and Carver County Auditor. The levy document is in its current status as of today (09 18 23) for Waconia Public Schools ISD #110. Due to the nature of Minnesota Department of Education programming of the levy system. It is going to be in flux until final certification. Typically, Waconia Public Schools ISD #110 certifies the proposed levy at the maximum to maintain flexibility if there are changes to the proposed levy.

**RECOMMENDATION:** To approve the 23 Pay 24 Property Tax Levy at the maximum.

**ATTACHMENT**

23 Pay 24 Levy Report

LINE #	LIMITATION COMPONENTS	2022 PAY 2023 LIMITATION	2022 PAY 2023 CERTIFIED LEVY	2023 PAY 2024 LIMITATION	2023 PAY 2024 PROPOSED LEVY	2023 PAY 2024 CERTIFIED LEVY NOTES
SUBTOTALS BY LEVY CATEGORY						
(5001)	GENERAL-RMV VOTER	4,945,500.64	4,945,500.64	4,725,614.21		
(5002)	GENERAL-RMV OTHER	3,340,446.74	3,340,446.74	3,483,545.60		
(5003)	GENERAL-NTC VOTER					
(5004)	GENERAL-NTC OTHER	1,683,415.48	1,683,415.48	1,990,391.47		
(5009)	COMMUNITY SERV-NTC OTHER	268,547.02	268,547.02	298,360.33		
(5013)	GENL DEBT-NTC VOTER	7,421,265.49	7,421,265.49	7,405,226.40		*1
(5014)	GENL DEBT-NTC OTHER	1,447,362.91	1,447,362.91	1,412,007.85		*1
(5020)	OPEB DEBT-NTC VOTER					
(5021)	OPEB DEBT-NTC OTHER					
SUBTOTALS BY FUND						
(5005)	GENERAL FUND	9,969,362.86	9,969,362.86	10,199,551.28		
(5009)	COMMUNITY SERVICES FUND	268,547.02	268,547.02	298,360.33		
(5015)	GENERAL DEBT SERVICE FUND	8,868,628.40	8,868,628.40	8,817,234.25		
(5022)	OPEB/PENSION DEBT SERVICE FUND					
SUBTOTALS BY TAX BASE						
	REFERENDUM MARKET VALUE	8,285,947.38	8,285,947.38	8,209,159.81		
	NET TAX CAPACITY	10,820,590.90	10,820,590.90	11,105,986.05		
SUBTOTALS BY TRUTH IN TAXATION CATEGORY						
	VOTER APPROVED	12,366,766.13	12,366,766.13	12,130,840.61		
	OTHER	6,739,772.15	6,739,772.15	7,184,305.25		
TOTAL LEVY						
	TOTAL LEVY	19,106,538.28	19,106,538.28	19,315,145.86		

ALLOWABLE INCREASE

ALLOWABLE INCREASE AMOUNT

MAXIMUM ALLOWABLE CERTIFIED LEVY

FOOTNOTES:

\*1 SCHOOL BUILDING BOND AGRICULTURAL CREDIT WILL BE CALCULATED USING THE GENERAL DEBT SERVICE LEVY CATEGORIES

NOTE TO SCHOOL DISTRICTS: MUST CERTIFY PROPOSED AND FINAL LEVIES VIA THE WEB-BASED LEVY CERTIFICATION SYSTEM AVAILABLE ON THE MDE WEBSITE, [HTTP://EDUCATION.STATE.MN.US](http://EDUCATION.STATE.MN.US).

7.B. Student Transportation Agreement

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



**RE: Koch Bus Service as Vendor Selection**

**TYPE: Action**

**PRESENTER(S): Ra Chhoth, Director of Finance and Operations**

**BACKGROUND:** The recent struggles with quality student transportation have been well documented throughout the state of Minnesota and nationally. The cost of student transportation has taken a significant increase over the past four years due to the post-pandemic driver shortage, an increase in new bus pricing by more than 24%, and elevated insurance premiums for districts and transportation providers. Waconia Schools has been fortunate in avoiding many of the consequences of these challenges via a strong, collaborative relationship with our longtime busing service partner, Koch Bus Service (KBS).

The current contract with KBS expired this summer. As a result, the district followed the state-mandated process to award a new agreement using an advertised Request for Quote (RFQ) solicitation followed by a formal direct negotiation. The goal of this process was to establish a long-term, sustainable agreement that would assure the high-level quality and consistency of the district's student busing operations would continue for our students for years to come. As a result of this process, the district was able to reach a new agreement with our incumbent and community partner, KBS. We are pleased to share that through a positive, collaborative negotiation with the team at KBS, a new agreement has been secured that both sides are confident will accomplish the goal of long-term, sustainable quality busing services to the district's families.

**RECOMMENDATION:** To approve Koch Bus Service as Transportation Provider for ISD 110.



## Student Transportation Agreement

THIS AGREEMENT is made and entered into as of the 5<sup>th</sup> day of September, 2023, by and between Independent District 110 (Waconia Public Schools), Waconia, Carver County, Minnesota, with its District Office at 512 Industrial Blvd, Waconia, MN, 55387, hereinafter called "District" and Koch Bus Service, Inc with its local office at 150 Victor Court, Waconia, MN 55387 hereinafter called "Company".

### WITNESSETH

WHEREAS, the District desires bus services to transport certain of its students served by the District during the school year; and

WHEREAS, the Company operates a school bus and student transportation service; and

WHEREAS, pursuant to Minnesota Statute 2012, Section 123B.52 sub. 3, District, through direct negotiations, has selected Company to furnish student transportation services to certain District students in accordance with the terms defined herein.

NOW THEREFORE, in consideration of the mutual covenants and conditions agreed to and contained herein, District and Company agree as follows:

### GENERAL TERMS AND CONDITIONS

1. **Entire Agreement.** This Agreement (including **Exhibit A**) constitutes the complete and exclusive agreement between the Parties relating to the subject matter hereof. It supersedes all prior proposals, understandings and all other agreements, oral and written, between the Parties relating to this subject matter.
  - The Section headings in this Agreement are for convenience only and shall not limit or otherwise affect any of the terms hereof.
2. **Privacy of Student Data.** Company acknowledges that certain information pertaining to Students may be subject to privacy protections under State or Federal law or regulations, including the Family Educational Rights and Privacy Act ("FERPA") and the Minnesota Government Data Practices Act ("MGDPA"). Company will abide by any and all such laws and regulations. Company further acknowledges that records of the Services may be subject to a data request under the MGDPA. Compliance with any such request shall be at Company's expense.
3. **Notices.** Unless noted otherwise within this Agreement, any notice provided pursuant to this Agreement will be in writing and will be deemed given (i) if by hand delivery, upon receipt thereof; (ii) if mailed, five (5) days after deposit in the U.S. mails, postage prepaid, certified mail return receipt requested; or if sent via overnight courier, upon receipt. All notices to Company pertaining to this Agreement will be sent: Attn: President/General Manager, 150 Victor Court, Waconia, MN. In the case of any notice to be provided to the District under this Agreement, notice will be sent: Attn: Director of Business Services, District Office at 512 Industrial Blvd, Waconia, MN, 55387. Either party may change its address or its designated addressee by giving written notice to the other party in accordance with the terms of this Section.
4. **Assignment.** Company may not assign this Agreement nor any performance or obligations hereunder to any third party or subcontractor without the prior written consent of the District provided, however, that Company may, without approval, assign this Agreement to a parent, subsidiary, related or affiliated company. Furthermore, Company shall have the right to assign or otherwise transfer this Agreement in connection with a merger, acquisition, corporate reorganization, public stock offering, or sale of all or substantially all of its assets with reasonable notice to the District. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their successors and permitted assigns.
5. **Advertising.** A school bus of any type operating under this Agreement with District, transporting students and/or staff on any to/from school routes, field trip or activity trip may not display any type of advertising signage on the inside or outside of the bus.
  - This does not include the Company's name, address, bus number or other legally required letters such as common carrier identification numbers.
6. **Waiver.** The waiver or failure of either party to exercise any right provided for herein will not be deemed a waiver of any further right hereunder.
7. **Amendment.** This Agreement may not be modified or altered except by written instrument duly executed by both parties.
8. **Severability.** If any provision of this Agreement is held to be invalid, illegal or unenforceable by a court of competent jurisdiction, such provision will be deemed restated, in accordance with applicable law, to reflect as nearly as possible the original intentions of the parties, and the remainder of the Agreement will remain in full force and effect.
9. **Governing Law; Venue.** This Agreement and performance hereunder will be governed by the laws of the State of Minnesota, without regard to its conflicts of laws rules. The parties' consent to the exclusive jurisdiction and venue of the courts of applicable subject matter jurisdiction in Hennepin County, State of Minnesota.
10. **Survival.** Sections 9, 10, 11, 26, 27, and 28 will survive any termination, expiration or cancellation of this Agreement.



11. **Force Majeure.** In the event Company is unable to provide the transportation services herein specified because of any act of God, civil disturbance, fire, flood, war, governmental action, labor dispute, including picketing, strike, or lockout, or any condition or cause beyond Company's control, District may excuse Company from performance under this Agreement. For the reasons identified in this item, the District shall have the right to terminate this Agreement or assume responsibility for providing the services required under this Agreement. The District shall have the right to operate the buses provided by the Company under this Agreement and employ such employees as the District deems appropriate and necessary to provide the regular services and operations contemplated by this Agreement. District shall pay the Company for the use of such buses used by the District consistent with the rates and provisions in this Agreement that applied to the Company and the District less all expenses and costs incurred by the District and reasonably necessary to secure the services of drivers and other hourly employees to provide the services. The District deduction of reasonable expenses and costs shall not exceed the difference between the total compensation paid the Company for such buses less the Company's fixed costs of operation for this Agreement. If the District agrees to use and operate the Company's buses, the District will provide the Company with a lease agreement, along with insurance and compliance matters, consistent with that required of the Company under this Agreement.
12. **Construction.** Each party acknowledges that it has had an adequate opportunity to review each and every provision in this Agreement and to submit the same to counsel and other consultants for review and comment and that the parties jointly drafted this Agreement. No provision of this Agreement shall be construed more strictly against one party than the other party by reason that one or the other party proposed, drafted or modified such provision or any other existing or proposed provision.
13. **Term.** The term of this Agreement shall commence as of the Effective Date upon the approval of this Agreement by the District and mutual execution of this document by the parties
  - Initial term of agreement is September 5, 2023 – July 31st, 2028
    - After the initial term has concluded, the agreement can be renewed annually following mutual agreement via direct negotiation on pricing no later than January 31<sup>st</sup> of the current school year.
      - Agreement can NOT be extended or renewed beyond July 31st, 2033
14. **Performance Bond.** Due to longstanding relationship and proven service, Company will NOT be required to provide a performance bond. Should performance issues become a factor in the future, the School District reserves the right to require Company to furnish a performance bond satisfactory to District in the agreed upon amount.
15. **Non-Compliance.** District reserves the right to take whatever action is deemed necessary under the above listed situations to continue safe transportation for its students. Company will provide District with prompt, efficient and quality transportation services always. Failure to provide this service will be considered non-compliance.
16. **Fines for Non-Compliance.** The District shall have the right to impose monetary fines on Company for its failure (including the failure of its employees and agents), to fully perform, or comply with, the terms of this Agreement. All fines are per occurrence and will be subtracted from the monthly invoice.
  - **\$250.00 Fine**
    - A fine of \$250 per day be imposed on Company for:
      - Running a Route without the required equipment as outlined above
      - Running a Route more than 15 minutes late without prior District approval, unless due to a vehicle breakdown, poor weather, or an act of God (or other Force Majeure event)
      - Transporting persons other than the Students without prior approval from the District;
      - Transporting non-school age children on any Bus during Route time;
      - Driver use of a personal cell phone at any time while the vehicle is in motion, or when students are on board
      - Tobacco use on a Bus
      - GPS tracking device is knowingly not functional at beginning of route
      - Driver running a route different from what is routed
      - Failure to staff dispatch during AM Route times OR PM Route times
  - **Fine of \$500.00**
    - A fine of \$500 per day may be imposed on Company for:
      - Allowing a driver to drive a route without the appropriate driver's license;
      - Not running a route due to lack of drivers or equipment without prior District approval
      - Running a Route with a Vehicle that does not have a current inspection sticker;
      - Running a Route without an aide, if an aide is required by the District
      - Running a Route without proper equipment as required by student's IEP
      - Failure to notify the District of accidents
17. **Continued Non-Compliance.** Unreasonable and continuing violations of any terms, conditions or clauses included in this specification shall constitute a material breach of this Agreement.



18. **Termination.** If either party shall fail or refuse to substantially perform the conditions of this Agreement or violate any of the covenants or duties imposed upon it by this Agreement, such failure, refusal or violation shall entitle the other party to terminate this Agreement at any time. The party desiring to terminate for such cause shall give the offending party thirty (30) days written notice to remedy the failure, refusal or violation. If at the end of such time the party notified has not removed the cause of complaint or remedied the purported failure, refusal or violation, then this Agreement shall terminate.
- District and Company agree to meet and make good faith efforts to resolve any disputes within thirty (30) days of the development of the dispute, prior to filing any action in a court of competent jurisdiction. Good faith efforts may include, but are not limited to, mediation and arbitration by mutual agreement.
  - Notwithstanding the above, Company shall not be relieved of liability to the District for damages sustained by the District as a result of any breach of this Agreement by the contactor.
19. **Funds Availability; Federal Funds Contingency.** This agreement may be subject to or impacted by:
- Availability of funds
    - Should the District be presented with the unavailability of funds shall automatically terminate this Agreement and render it void without liability to District
      - District shall notify the Company in writing of such event of termination.
      - Company will be paid for work performed up to the date of termination.
20. **Effects of Termination.** Upon the expiration or termination of this Agreement, the District will pay Company for Services satisfactorily performed by Company as of the effective date of such expiration or termination, in accordance with the terms of this Agreement.
21. **Return of Data.** At the conclusion, termination, or non-renewal of agreement, whichever occurs first, Company shall:
- Return all documents, data and other information provided by the District to Company, or Company's employees or agents in connection with this Agreement. Or, Company, upon the request of the District, shall destroy all copies of such District provided data, documents, or information in Company's possession or control, and provide District with proof of such destruction within 10 business days of separation.
22. **Insurance.** Company shall, at its expense, procure and keep in force during the entire term of this Agreement, public liability and property damage liability insurance protecting District, its board, officers, employees and agents, and Company, its drivers and other personnel. Without limiting the foregoing, Company will comply with all Minnesota vehicle liability laws and workers compensation reporting requirements, regulations and procedures at all times. Valid certificates of insurance must be on file with the District at all times.
23. **Minimum Insurance Coverage.** Insurance coverage required to be in place is subject to State law and may change. At a minimum, Company shall obtain and maintain during the Term coverage in the following amounts:

<b>General Liability:</b>	
General Aggregate Limit –	
Other than Products-Completed Operations	\$ 2,000,000
Products - Completed Operations Aggregate	\$ 2,000,000
Each Occurrence	\$ 1,000,000
Personal and Advertising Injury	\$ 1,000,000
Damage to Premises Rented to You	\$ 200,000
Medical Expense	\$ 10,000
<b>Sexual Abuse or Molestation (Occurrence Coverage)</b>	<b>\$ 1,000,000</b>
<b>Commercial Automobile – Combined Single Limit</b>	<b>\$ 1,000,000</b>
<b>Workers Compensation:</b>	<b>Statutory</b>
Employers Liability – Each Accident	\$ 1,000,000
Employers Liability – Policy Limit	\$ 1,000,000
Employers Liability – Each Employee	\$ 1,000,000
<b>Excess Coverage (over primary coverage listed above):</b>	
Each Occurrence	\$ 5,000,000
Aggregate	\$ 5,000,000

24. **Insurance Conditions.** All coverage must require a minimum of thirty (30) days' advance notice of cancellation, with notice to be provided to the District. All insurance policies will be written with insurance companies licensed to do business in the State of Minnesota. Except for workers compensation, all such policies must list the District as an additional insured party for claims arising under this Agreement.



25. **Relationship of Parties; Subcontracting.** This Agreement is not intended to create, and does not create any partnership, joint venture, agency, fiduciary, employment, or other relationship between the parties, beyond the relationship of independent parties to a commercial contract. Neither party is, nor will either party hold itself out to be, vested with any authority to bind the other party contractually, or to act on behalf of the other party as a broker, agent, or otherwise. Company will not subcontract the Services, or any portion of the Services, nor will it engage independent contractors to perform the Services or any portion of the Services, without the District's prior written consent.
26. **Representations and Warranties.** Company represents and warrants to the District that: (i) it is a legal entity duly organized, validly existing and in good standing and it has all requisite corporate power and authority to execute, deliver and perform its obligations hereunder; (iii) it is duly licensed, authorized or qualified to do business and is in good standing in every jurisdiction in which a license, authorization or qualification is required for the ownership or leasing of its assets or the transaction of business of the character transacted by it, except when the failure to be so licensed, authorized or qualified would not have a material adverse effect on its ability to fulfill its obligations hereunder; (iv) it will comply in all material respects with all laws and regulations applicable to the performance of its obligations hereunder and will keep and obtain all applicable permits and licenses required of it in connection with its obligations hereunder; and (v) that, to Company's best knowledge, all Personnel providing Services under this Agreement will be eligible to legally work in the United States
27. **Indemnification.** Company shall hold District, its governing board, officers, employees, and agents harmless and shall indemnify District, its governing board, officers, employees, and agents from and against every claim or demand which may be made by any person, firm or corporation, or other entity arising from or caused by any act of neglect, default or omission of Company in the performance of this Agreement, except to the extent such claim or demand arises from or is caused by the negligence or willful misconduct of District, its agents or employees. Company also agrees to indemnify and save the District harmless from any claims involving personal injury or property damage arising out of, or in the course of, Company's acts in providing transportation of the Students. To the extent permitted by law, District shall hold Company, its officers, employees, agents, successors and assigns harmless and, to the extent permitted by law, agrees to indemnify Company, its officers, employees, agents, successors and assigns from and against every claim or demand which may be made by any act of neglect, default or omission of District, its governing board, officers, employees or agents, except to the extent that such claim or demand arises from or is caused by the negligence or willful misconduct of Company, its agents or employees.
28. **Waiver of Subrogation.** The Company waives all rights against District, its officials, volunteers and employees for damages to the extent covered by insurance required by this Agreement, the policies shall provide such waivers of subrogation by endorsement or otherwise. A waiver of subrogation shall be effective as to a person or entity even though that person or entity would otherwise have a duty of indemnification, contractual or otherwise, did not pay the insurance premium directly or indirectly, and whether or not the person or entity had an insurable interest.
29. **General Policies and Procedures.** For the period of time that buses are operated under agreement with District, District Policies and Procedures where applicable and appropriate shall apply to students, staff and any authorized riders. The policies below must be reviewed with all Company employees as they will be responsible for compliance with these policies. The most policy in effect shall be the applicable policy at any time during the duration of the Agreement. District shall provide new policies to the Company when a policy has been amended or updated.

#### SCOPE OF SERVICES

30. **General Obligations.** Company shall transport public and non-public District resident students and open enrolled public-school non-resident students who meet the eligibility criteria of the Minnesota Department of Education. District transports resident students to programs and schools outside the geographic boundary of District. District will determine all eligible students and bus routes. Company shall implement changes in accordance with District's route change process.
- All Students will be transported safely and in reasonable comfort.
  - All Students will arrive at their respective schools in advance of the start of school but not more than thirty (30) minutes before the start of school based on the published bell schedule.
  - All Students will be picked up from their respective schools within ten (10) minutes after the established dismissal time for such schools and transported home or to their designated bus stop in a timely manner.
  - All Students with special education needs will be transported in a dignified and safe manner that accommodates their condition. Without limiting the foregoing, such transportation will comply with Section 504 of the Rehabilitation Act and, if applicable, the student's individualized educational program ("IEP").
31. **Routing.** The Company will provide routing for all contracted bus services
- The District maintains final approval of all route designs.
  - Company will provide District access to routing information and data upon request.
  - Route Elimination/Consolidation: While Company maintains assignment of all current routes, the District reserves the right to increase, decrease, consolidate or eliminate routes when it is in the best interest of the District. All routes will be reviewed with Company to confirm effects and viability. Volume changes are subject to change throughout the Agreement period.



32. **Driver's Route Procedures.** For all routes, the following applies:

- Drivers will transport students on routes and make stops according to the timetable designated by District in accordance with the following rules to and school and on all school related activities:
- Only students assigned by District will be transported on school buses under Agreement with District. Students are to be released from the bus only at school or at the designated school bus stop. The school bus driver does not have the authority to suspend transportation service for a student or to remove a student from the school bus en route.
- No student will be allowed to stand or sit in the lap of another student while being transported. Drivers will notify Company dispatchers if an overload situation exists, and the Transportation Department will make a vehicle or run adjustment.
- Route will be traveled, and pickups and discharges made in accordance with the student transportation policies, which include the following:
- For Type A, C and D buses – Drivers will be responsible to safely load and unload students only in the right lane of the roadway, at bus stops on bus routes approved by District.
- The school bus driver will supervise the safety of the students when they cross the street or highway before entering or leaving the bus, by activating the 8-way light system, stop arm and crossing gate.
- School bus stops are to be made only at the location specified on the route copy. Except for stops, which are specifically listed on the route copy as house stops, the school bus is to stop only at the designated corner, approximately ten (10) feet back from the intersection. Drivers who are approaching school bus stops where students are standing in the street, are pushing or shoving on the curb line or are exhibiting some other type of unsafe behavior must come to a complete stop at least ten (10) feet back from the students and may not finish approaching the students until the unsafe behavior has ceased.
- Loading and/or unloading in a turn lane or in a lane immediately adjacent to a designated turn lane is now legal (for all types of buses), with the permission of District. In Type A, C or D buses, drivers will use the 4-light system and students are not allowed to cross the roadway.
- The school bus driver will always wear a lap/shoulder seat belt when the vehicle is in motion.
- The school bus driver shall have the 2-way radio turned on with the volume adjusted so that the driver will hear when called. Driver will respond when dispatcher calls.
- The school bus driver will not operate a vehicle under this Agreement while wearing headphones or earphones. This does not prohibit the use of hearing aid devices worn by drivers who qualify with these devices under Minnesota Department of Public Safety Rule 7414.1200.
- The school bus driver will take reasonable precautions to protect students from injury.
- The school bus driver will stop the bus at all railroad crossings according to state regulations unless such crossings are marked "exempt."
- The school bus driver will not transport dangerous materials such as firearms or gasoline cans. Animals (except service or companion animals for students with disabilities) are not allowed on the bus. Musical instruments, encased sports equipment (uncased not allowed) or other items must fit between the student's legs and not extend above the student's waist. Objects that might endanger the safety of the driver or passengers are also forbidden.
- The school bus driver will observe the following procedures, which apply to all types of school buses (including Type III), when backing a school bus:
  - Never run a school bus in reverse on school property.
  - During loading at bus stops in which turning the bus around is required, pick up the students before backing up.
  - During unloading at bus stops in which turning the bus around is required, complete the turn-around before discharging the students from inside the bus.
- The school bus driver will obey all posted speed limits while operating a school bus. The driver will adjust the speed of the school bus when conditions (road, traffic, vehicle, light or weather) warrant reduced speeds.
- School bus drivers will not distribute, or allow distribution on the bus, any written, printed or electronic materials unless directed by the Company or Transportation Department staff.
- The school bus driver will follow District's protocol on smoking and tobacco products, which means no smoking, electronic cigarettes, or other tobacco use while on the school bus or on school grounds. Cigarette smoke resides in clothing and on the body. Avoid smoking prior to beginning your shift or while on break.
- The school bus driver will never use a school bus or any other related property for any other purpose than the transportation of students on to/from routes or on school-related activities.
- The school bus driver will stay in the driver's seat of the school bus or at the front door entrance of the bus when students are in the area. Whenever the driver leaves their bus, the driver will stop the engine, remove the ignition key and set the brakes.
- The school bus driver will always keep the entrance door closed when the bus is in motion.
- There will be no students in the school bus when the bus is being fueled.
- The school bus driver will immediately report all accidents or incidents, to the dispatcher or the Safety Supervisor and follow company protocol.
- In case of an accident or mechanical breakdown of the bus, the driver will not leave the bus but will summon help via cell phone if the 2-way radio is inoperable.
- Trailers may be pulled behind school buses for field trips or athletic trips only.
- The school bus driver will conduct a pre-trip safety inspection on the school bus before all trips.



- Twice during each school year, all students will be instructed in safe riding practices and will participate in emergency evacuation drills. All drivers will participate and educate students on the proper procedure to perform an emergency evacuation. This includes how to shut off the bus engine, place the radio microphone outside the driver's window area, where the seat belt cutter is located, and how to properly evacuate with the multiple exit points. The bus driver will instruct all students of the drill in advance and inform them that all personal items will remain in the bus while performing the drill. Each student will be directed of the procedure and demonstrate competency while performing the drill.
- The school bus driver will not use a cellular telephone at any time when the school bus is in motion or there are students on board or about to board. If required for business purposes under MN State Statute 169.443, a driver is to pull over in a safe location, shift into neutral or park and set parking brake. This includes texting while driving.
- The school bus driver must not use a video recording device on their bus to record any type of student interaction or activity.
- Information about individual student(s) pertaining to discipline problems, juvenile corrections, family situations, health conditions or disabling conditions is considered to be confidential information and is restricted under the provision of Section 34 of the Code of Federal Regulations and Chapter 13 of Minnesota Statutes, more commonly referred to as the Minnesota Data Practices Act.
- Confidential information regarding specific students may be supplied to a Company or contract driver, for the protection of the student or to facilitate safe transportation due to the student's unique needs. The school bus driver may not discuss this information with any person other than an authorized DISTRICT staff member. This information may not be released to any individual, or organization. Restricted data includes information on medical or handicapping conditions provided to the driver under state regulations.
- No news media, including reporters and/or photographers for any radio or television station or any newspaper will be allowed on any school bus operating under this Agreement or to interview any DISTRICT students while on the school bus, without the knowledge and permission of the Communications Director and the Transportation Department. Further, no news media will be allowed to photograph students on school property, including DISTRICT-contracted school buses, without the permission of the parent or guardian in the form of a signed release to DISTRICT on file for the school year. Any news organization seeking permission to ride on a DISTRICT route must be referred to DISTRICT.
- The school bus driver will not use profane or indecent language with the public, students, school staff or DISTRICT transportation staff.
- Drivers will take appropriate action to maintain order among the students when they are transported. Drivers will report all incidents of student misconduct or any other violation of the DISTRICT Discipline Protocol to the Dispatcher.
- If an emergency occurs, the school bus driver must immediately radio the dispatcher. The dispatcher must immediately notify the Transportation Department of an emergency after contacting the 911 emergency system dispatcher
- Drivers may not refuse to transport any student without prior approval of DISTRICT.
- The school bus driver must report to their dispatcher any instance in which he/she is requested to transport an unusual or unsafe wheelchair. The dispatcher must immediately forward this concern to DISTRICT.
- All medical devices, such as suction machines, oxygen cylinders, ventilators or respirator units will be securely attached to the wheelchair. Adaptive devices such as walkers or collapsible wheelchairs must be secured whenever the bus is in motion. Booster seats must be restrained whenever they are not occupied by a student.
- All school bus drivers are mandated reporters. If a driver witnesses or is made aware of a student being maltreated by staff or others must report all incidents if they have reason to believe that a student is being abused, neglected, or financially exploited. Maltreatments reports must be submitted directly to the Minnesota Department of Education and DISTRICT transportation must be informed as well.
- The school bus driver will observe all other operating rules and procedures (not listed above) as directed by DISTRICT.
- The DISTRICT School Board may adopt such additional operating rules as deemed necessary to meet local conditions and needs, providing they do not conflict with state laws and regulations.

33. **Loading and Unloading.** School bus drivers must comply with Minnesota State laws, Minnesota Department of Education regulations as well as DISTRICT Policies and Procedures when loading and unloading students. At the school, the bus will load and unload only at the right side of the curb or at designated places on school grounds. Upon leaving school grounds the buses will maintain a safe interval.

- If drivers feel that a designated stop is unsafe, they must notify their dispatchers and management team as soon as possible and inform them of any concerns or hazardous that are present. DISTRICT staff will work with the bus Company to address these concerns.

34. **Student Management on Bus.** Driver needs to maintain an orderly and safe environment on the school bus is the responsibility of the school bus driver.

- A driver who observes a student engaging in inappropriate behavior will verbally warn the student that his/her actions are improper. If the student continues to engage in this behavior, the bus driver will report the student's behavior on a Transportation Incident Report form and return it to their dispatcher.
- A school bus driver must be cautious in the actions he/she takes to achieve a safe environment on the bus. Inappropriate behavior must be reported, in writing, to the Company. The driver may assign seats if necessary.



35. **Prohibited personnel actions.** Company personnel shall NEVER do the following:
- Confront students in a showdown of authority.
  - Threaten a student who disobeys a bus safety rule.
    - The bus driver must refrain from indicating to a student what form of consequences will be administered.
  - Put a student off the school bus.
    - If a student insists on leaving the bus, the driver must instruct the student that he/she is not allowed to leave the bus except at the assigned stops.
  - Grab, hit, push, or use force toward any student on the school bus. Conditions under which a school bus driver is allowed to touch a student are to prevent a student from harming another student or harming himself/herself, or to assist a student.
  - Make statements to students that imply prejudice of any kind.
  - Use brakes as a form of discipline
36. **Discipline Reporting Procedure.** The school bus driver will report all inappropriate behavior to their dispatcher by means of the Transportation Incident Report form.
- Bus Company will enter a bus discipline report into the Transportation Incident Reporting System within 24 hours of the time of the incident.
  - The driver may check with their Dispatcher to review the Company's action taken concerning the discipline problem.
  - Discipline problems that are not reported in writing by the bus driver may result in disciplinary action against the driver.
37. **Special Education Transportation.** Beyond procedures and requirements described in Section 33, "Special Services" transportation involves additional care, training, and precaution to assure the safe transport of Students with special needs, as determined by the District, due to enrollment in a special education program. Company shall provide Special Services pick-up and drop-off services to and from schools as follows:
- Company will ensure that all Drivers assigned to the Special Services program are properly trained to meet specific needs of the student and of the proper disposition to transport and interact with Students in the Special Services program.
    - If Company becomes aware of any reason why a Driver in the Special Services program may not be suitable for an assignment to that program, or if the District notifies Company that it has reason to believe why a Driver in the Special Services program may not be suitable for an assignment to that program, Company will, within three (3) business days after notice is given by the District, promptly reassign any such Driver to a non-Special Services Route and replace the Driver with another Driver who is trained for and suited to the Special Services program.
    - Drivers will take special care in transporting Students in the Special Services program.
  - The school bus driver is responsible for the proper use of the wheelchair securement system and for ensuring that the system is in proper condition for use. The driver must:
    - Inspect the securement straps and the occupant restraint belts prior to use.
    - Report any worn straps to their dispatcher and ensure that worn parts are replaced.
    - Properly secure the system to the wheelchair according to the system manufacturer's operating instructions and pull on each strap and belt assembly to ensure proper attachment and adequate tension.
    - Check to ensure that the student is wearing the mobility device seat belt.
    - If the system is attached to the wheelchair by a bus Para, the driver must check each attachment to ensure the system has been properly applied.
    - Keep straps and belts off the vehicle floor, as much as possible, when not in use.
  - All Drivers must be trained and responsible for knowing and operating all specialized equipment according to District safety protocol including, but not limited to:
    - Wheelchairs
    - Buckle Guards
    - Safety Vests
    - Booster Seats
    - Scooters
    - Support Animals
  - Drivers will pick up and drop off Students in the Special Services program in the manner specified by the District, which could include home to school transportation. Company will provide route maps and stop listings to Drivers, which maps, and listings will indicate the directions of travel, time of pick up and/or drop off and the names and addresses of Students assigned to each Run.
  - Company will strictly comply with any specific policies and procedures of the District with respect to the transportation of children with disabilities.
  - All Drivers and assistants shall be provided specific training on students with disabilities and medical conditions for the students assigned to the route prior to execution of the route or as required by federal, state, or District requirements. Additional training will be required to train drivers in pro-active and de-escalation strategies when working with students who have emotional and behavioral challenges.
    - Training in these two areas will occur for no less than 6 hours and the cost of any such training shall be the sole expense of Company. All information related to students in the Special Services program shall remain confidential, in accordance with applicable federal and state law.
  - Company and its employees shall comply with applicable provisions of the Minnesota Rules 7470.1600 and 7470.1700 when transporting children with disabilities.



38. **Dry Run.** Company, in cooperation with the District, will be responsible to assure proper driver route knowledge including use of “Dry Runs” (live route running) prior to the school year if deemed necessary.
39. **Emergency Drills.** During the school year, Company will periodically conduct emergency exit drills in accordance with applicable laws, rules and guidelines.
40. **Notification of Delays.** Company shall immediately notify the District and each affected school or other site, parent or guardian of any Transportation Service delay in excess of 10 minutes, including bus breakdowns. Company will provide such notice at the commencement or “sign-on” time for the affected Route or as close to such time as reasonably possible. For the avoidance of doubt, it is Company’s responsibility to directly notify all affected schools of any delay in Transportation Services.
41. **Unscheduled School Closing.** To the extent practicable, the District shall notify Company not later than one (1) hour before early dismissal or early school closure and Company shall pick up the affected Students and transport them from school along their typical Routes. Company acknowledges that early dismissals or closures will happen from time to time during the school year, and Company shall establish an early dismissal plan to accommodate early dismissals or closures on a safe and timely basis. The decision to implement an early dismissal or school closure may only be made by the District. Such decisions will be communicated to Company only by the District’s superintendent or another individual designated by the District.
  - Weather. In the event of inclement weather or impassability of roads or whenever school is canceled, delayed or is dismissed early, District shall notify Company not later than 5:30 a.m. on the day of such cancellation
42. **Additional Activity Services.** Company shall provide Transportation Services for extended school day activities, altered school start/dismissal times, and other activities at times and locations as the District may require from time to time.
43. **Emergency.** In the event of an emergency, crisis, or other highly important event the Company must be willing to quickly recruit drivers and dispatch school buses to a location within District to safely evacuate students, staff, and community members to other designated sites within District at a moment’s notice

#### BILLING AND PAYMENT

44. **Billing.** Company shall invoice District for all services rendered during the previous month within thirty-five (35) days of the end of the previous month.
  - District will process invoices for payment within thirty-five (35) days of receipt
  - The bills and invoices will be in a format and media type as approved by District
  - The standard invoicing structure will include basic information such as number of buses, hours, mileage, and days operated.
  - District requests that the Company sends District a preliminary invoice for all mid-day, excess time, late activity, and adaptive sports invoices.
    - District will review the pre-invoice and work together with the Company to finalize a final invoice to be submitted to District.
  - Live time invoicing will be calculated the following way: on the first and fifteenth of each month District will send the Company a report generated from routing software that provides them with the excess time for each route. The Company will use this report to create a monthly invoice for any excess time billing.
45. **June Billing (annually).** District requires the Company to invoice District twice in the month of June for all year-end services.
  - The Company will invoice all outstanding transportation services for the current fiscal year no later than the end of the week of the last day of school before the summer break. Invoicing will include home-to-school, overtime, field trips, activities, fuel escalation, hold back, and all other transportation-related services. A final cleanup invoice for the month of June will be submitted no later than seven (7) days following the last day of June. This will include all summer school routes for the month of June and any field trip work completed by Company for the school year.
46. **Billing Definitions.** The following will be definitions will be utilized in determining billing:
  - “Live Time” is defined as the time from when bus arrives at the assigned pickup location at the designated time to the time at which all assigned riders are dropped off at their assigned destination
  - “Overage” fees apply when schedule routes run greater than 5 minutes more than projected route time. These will be invoiced in fifteen (15) minute blocks.
  - “Mileage” fees apply when a charter/activities bus runs more than 30 miles outside of District boundaries. This mileage will be determined by the routing software and agreed upon by both Company and District.



47. **Payment and Terms.** District will process invoices for payment within thirty (35) days of receipt pursuant to MN Statute 471.425.
- District has no obligation to pay for services that are not satisfactorily performed or performed in violation of federal, state or local law, ordinance, rule or regulation.
  - In the case of a dispute about satisfactory performance of services, the parties agree to work in good faith to resolve any disputes.
  - If either party does not dispute an invoice in writing within 180 days of receipt of the invoice, no action challenging the invoice may be taken.
48. **Taxes.** District is exempt from paying Minnesota sales/use taxes on certain purchases, per Minnesota Statute, Section 297A.70.
- Company shall not charge District for such sales and use taxes. Alternatively, Company shall be responsible for the payment of any and all sales taxes to the Minnesota Department of Revenue relating to the following taxable items sold pursuant to this Agreement; construction materials, leasing of motor vehicles, food and lodging, [See Minnesota Statute 297A.70]. Company shall promptly reimburse District for any and all such sales and use taxes paid by District to any governmental authority on behalf of Company including penalties and interest with respect thereto and including any and all expenses (including attorneys' fees) or damages that result from a failure by Company to properly remit or reimburse District for any and all such sales and use taxes provided above.
  - District may be obligated by state and federal law to withhold state and federal taxes from the consideration stated herein. These taxes may consist of, but are not limited to, the Minnesota state entertainer tax, Minnesota state nonresident withholding tax, federal withholding on payments to foreign nonresident aliens, and federal backup withholding.

## COMPENSATION AND FEES

49. **Fuel Cost Adjustment Fees.** The fuel surcharge/reimbursement is defined as below
- Diesel
    - If the average price of diesel fuel exceeds the fuel base rate, established at \$2.41 per gallon, District will reimburse Company for 100% of the cost over the established base rate.
      - Purchase price of fuel will be the invoice price minus the Federal Excise Tax.
  - Gasoline
    - If the average price of gasoline exceeds the fuel base rate, established at \$1.41 per gallon, District will reimburse Company for 100% of the cost over the established base rate.
      - Purchase price of fuel will be the invoice price minus the Federal Excise Tax.
  - Propane
    - If the average price of propane exceeds the fuel base rate, established at \$2.30 per gallon, District will reimburse Company for 100% of the cost over the established base rate.
      - Purchase price of fuel will be the invoice price minus the Federal Excise Tax.
50. **Compensation for Cancellations.** Should the district cancel routes, Company will be compensated as such:
- For any route cancelled by District during school year, Company will be compensated for the remainder of that operating week.
    - Company will never receive less than due to a cancellation but is responsible to maintain this compensation in escrow to assure payroll should cancellation day be rescheduled.
51. **Compensation for Closures due to Weather.** Compensation for route cancellation due to weather conditions:
- For the first two (2) cancelled operating days due to weather for each school year of the contract, route fees will be 100% waived by Company.
  - For the next five (5) closures, Company will be paid forty percent (40%) of regularly scheduled route rates by District.
  - Any operating days that are postponed/rescheduled will be invoiced during the invoice period in which the rescheduled operating day occurred.
52. **Compensation for extended-term service cancellation.** Should the District be required shut down or significantly reduce its need for transportation services due to circumstances for ten (10) or more operating days BUT maintain the intention of restoring 75% or more of its pre-cancellation operations:
- Company will receive the greater of 50% of all cancelled route rate OR 100% of driver and support staff payroll for up to 120 operating days.
    - Company may NOT lay off personnel utilized during this time
    - District reserves the sole right to EXTEND this benefit
  - In instances in which service is suspended beyond 120 operating days, Company and District will negotiate additional compensation based on State/Federal guidance provided.
53. **Legislative changes impacting operating cost-to-serve.** In the event that legislation is approved/implemented that directly impacts the cost of operating for Company from prior year of ten percent (10%) or more, Company and the District shall negotiate a good faith remedy, including but not limited to pricing modifications different than those documented in Exhibit A, to assure solvency for Company to successfully maintain quality service to District.



## RECORDKEEPING AND REPORTING RESPONSIBILITIES

54. **Records Management and Maintenance** Company shall maintain current and update to books, records, and accounting documents.
- District shall have the right to inspect and copy such books, records, and documents only in the event that there is sufficient evidence of financial irresponsibility or discrepancy in billing for services rendered by Company that cannot be resolved unless records are examined. At which point, Company will provide relevant documents only.
    - Company shall make such items available for inspection during normal business hours at Company's place of business. Such records may be subject to copy, review and/or audit by District, State Auditor and/or the Comptroller General of the United States, or a duly authorized representative, if federal funds are used for any work under this Agreement. All such items shall be retained by Company during the term of this Agreement and for a period of six (6) years after the delivery of the goods and/or services. Any items relating to a claim arising out of the performance of this Agreement shall be retained by Company, its agents and subcontractors, if any, until the claim has been resolved.
55. **Operational Reporting.** Company shall keep accurate records and submit regular written reports to the District on various topics and categories of information in the format preferred by the District upon request (unless schedule dictated below), including, but not limited to the following:
- Monthly ridership and bus load data
  - Maintenance status of all Vehicles
  - MVRs from the MN Department of Public Safety for all drivers (no less than annually)
  - Vehicle inspection reports
    - After the MN Department of Public Safety school bus annual inspection, or after any random inspections which may occur, Company shall forward a copy of the inspection results to District as requested.
  - Company shall provide a weekly updated list of drivers and all pertinent driver data.
  - Accident summary reports (as requested) to be provided by the 10th of each month, summarizing all accidents that occurred during the previous month, however, Company shall promptly notify the District upon the occurrence of an accident as noted above.
  - Load Analysis (monthly)
  - Late buses (daily report)
  - Undeliverable Students example- report of Students whose parent or guardian is not home or at a stop to receive the child (daily report);
  - Personnel status, including number of Drivers on hand, terminated, in training
  - Safety/Discipline reports
  - Driver absences
  - School Bus Seating Charts
  - Stop Arm Violations
  - Fuel Reports
  - Drug and Alcohol Testing
  - Such other reports as the District may reasonably require

## DRIVERS AND PERSONNEL

56. **General.** Company shall hire and employ all necessary personnel to perform the Services in a professional manner (collectively, "**Personnel**"). Personnel shall include bus drivers ("**Drivers**"), supervisors maintenance staff, administrative and support staff, and such other personnel as may be required to perform the Services.
57. **Relationship of Employees.** The parties agree that all Personnel shall be deemed the employees of Company and such Personnel will not be considered employees of the District for any reason or purpose. Company shall have the responsibility for hiring, training, retaining and terminating all Personnel. Company shall direct the place, time and performance by Personnel of the duties assigned to such Personnel in the manner Company deems appropriate to provide the Services in accordance with the terms of this Agreement. The District may notify Company of reasonable concerns it has as to certain Company Personnel. In such event, Company shall review the concerns articulated by the District and take prompt action to address the District's concerns in a manner the Company deems appropriate. The determination of any appropriate corrective actions or sanctions shall rest with Company alone, provided, however, that the District shall have the right to require Company to remove from service under this Agreement any employee who, at the District's sole discretion, is deemed unsuitable to provide services under this Agreement, provided the request is made in writing and it does not violate applicable laws and regulations. Company will respond promptly to such District requests. Company acknowledges and agrees that its Personnel are not eligible for any District employee benefits, including, but not limited to: holiday, vacation or sick pay, social security, Medicare, unemployment or disability insurance, workers' compensation, health benefits, 401(k), or any other employee benefit (collectively, "Employee Benefits"). Company alone will be responsible for withholding and paying employment-related taxes for Company Personnel. Company will defend, indemnify, and hold harmless the District and its school board, administrators, employees, and agents from and against any entitlement, assertion, and/or claim to any Employee Benefits made by, or on behalf of, any Company Personnel in connection with the Services provided under this Agreement.
58. **Worker Eligibility in Hiring Process.** Company agrees to meet all Bureau of Citizenship and Immigration Service Requirements in hiring process
- Company shall comply with all applicable requirements of the BCIS relating to employment including but not limited to confirming nationality for all employees and complying with requirements for employing aliens if appropriate.



59. **Nondiscrimination.** The Company will maintain a policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, sex, national origin, age, marital status, disability, public assistance status, veteran status, or sexual orientation and is committed to transacting business only with firms who follow these practices.
- Company must apply every good faith effort to ensure implementation of this policy in their practices of employment, upgrade, demotion or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
  - As applicable, Company shall also develop and have on file for each of its establishments, written Affirmative Action Plans, as may be required by the rules and regulations of the Secretary of Labor.
  - By accepting this Agreement, Company certifies that it complies with all applicable federal and state laws as well as District policies related to non-discrimination, equal employment opportunity, and affirmative action.
  - During the performance of this Agreement, the COMPANY shall not unlawfully discriminate against any employee or applicant for employment because of race, color, creed, religion, gender, national origin, sexual orientation, disability, age, marital status, or public assistance status. The COMPANY will take affirmative action to ensure that applicants are employed and that employees are treated equally during employment in compliance with state and federal laws.
60. **Personnel Health and Safety.** Company shall be solely responsible for the health and safety of its employees and/or self in connection with the work performed under this Agreement. Company shall:
- Make arrangements to ensure the health and safety of all subagents and other persons who may perform work in connection to this Agreement.
  - Ensure all personnel, subagents and/or self are properly trained and supervised and, when applicable, duly licensed or certified appropriate to the tasks performed under this Agreement.
  - Comply with federal, state and local occupational safety and health standards, regulations, and rules promulgated pursuant to the Occupational Health and Safety Act that are applicable to the work performed by Company.
  - Company shall develop and implement an emergency plan and procedures to follow in emergencies.
61. **Driver Qualifications and Background.** Company shall conduct a criminal background check, to the greatest extent allowed by applicable law on all candidates considered for employment and bi-annually after hiring for any personnel under this Agreement. Company shall consider the results of such criminal background check in making its hiring decisions.
- Company shall ensure that no personnel, employee, agent, or subcontractor who has ever pled guilty to or been convicted of any felony crime involving the physical neglect of a child, the physical injury or death of a child, the sexual exploitation of a child, child cruelty, a sexual offense where a minor is the victim, or violation of similar laws of any jurisdiction will work, on a permanent or temporary assignment, at a District school or on a District school bus or have contact with Students at a District school or on a District school bus during the course of his or her employment,
    - Failure to comply with this Section shall be a material breach of this Agreement.
62. **Drugs and Alcohol; Professional Conduct.** Company shall not knowingly permit Drivers to use tobacco in any Vehicle or District property, to drink any intoxicating beverage in any Vehicle, and to be under the influence of drugs or alcohol while operating any Vehicle.
- Company will conduct drug and alcohol testing of its Personnel in accordance with applicable State and Federal laws, and regulations and Company policies.
  - Company shall take reasonable steps to prevent its employees from exposing any Student to impropriety of word or conduct.
  - No Driver shall possess a weapon of any kind or naturewhile in the performance of his/her duties.
63. **Dispatch Staff.** Company will dedicate a minimum of one (1) full-time dispatcher and one (1) part-time dispatcher.
64. **Rules of the Road.** All Drivers shall observe and obey all traffic rules and regulations imposed by the State of Minnesota and municipalities while providing Transportation Services
65. **Training.** Company is responsible to assure all employees, volunteers, agents, and/or subcontractor have received and secured all necessary training, certifications, and licensures to safely and legally perform any task assigned to that individual.
66. **Driver Responsibilities.** The primary responsibility of each Driver shall be the safe transport of Students along established Routes and as otherwise provided herein. Drivers are also responsible for Student discipline in accordance with the terms of this Agreement.
67. **Dress Code.** Company shall require Drivers to wear appropriate work attire, the definition and design of which shall be determined in Company's reasonable discretion. Company will supply any required uniforms and identification badges at its expense.
68. **Substitute/Back-up Drivers.** Company shall employ a sufficient number of Drivers, aides and support Personnel to ensure the Services are provided in continuous and reliable manner. Company shall at all times maintain as backup/substitute Personnel a pool of unassigned trained, qualified, certified Drivers necessary to provide Transportation Services on a daily basis. Substitute/backup Drivers shall fully comply with all requirements pertaining to Drivers under this Agreement. Whenever a regular Driver is off on a planned absence or sick leave of more than two days, to the extent possible, the same substitute Driver shall be used to cover the entire absence of the regular Driver.



69. **Driver-specific Training.** Company shall make sure all Personnel are properly trained in the duties they are employed to provide. Drivers shall be able to communicate effectively orally and in writing. Each Driver will have a valid Commercial Driver's License. Each Driver will have a certified safe driving record according to the requirements of Minnesota law. In addition, Company shall provide:
- Training in these areas prior to driving any Route:
    - Harassment training; bullying; Student management; the District's emergency plan; special needs training; Route sheet reading.
  - Available instruction in the following areas: pre- trip/post-trip inspection instruction; Initial defensive driving instruction; basic control skills instruction; basic operation instruction; road test instruction; emergency equipment and specialized equipment instruction; and such other areas as the District may require.
  - Pre-service and In-service training as prescribed by Minnesota Statute 171.321, subd. 4.
    - District requires preservice training of 40 hours, which will consist of a minimum of 24 hours behind the wheel and 16 hours of classroom instruction.
    - In-Service Training: Company shall conduct mandatory safety meeting(s) attended by all drivers and support staff at a minimum frequency of quarterly. Minutes of each meeting along with the attendance roster will be sent to District.
      - Failure to attend mandatory safety meeting is a violation of District protocol.
      - District shall be allowed to provide training in conjunction with Company to provide training topics and materials to all drivers.
      - Company will require all employees serving District to attend an annual back to school in-service training in August of each school year.
  - Any real-time "live" practices for each a.m., noon, and p.m. route with the assigned driver prior to the school year starting will not be charged to District. The live exercise date will be established by District. This live exercise practice must have the assigned driver driving the route who has already been trained, licensed, and driven the route prior to the event. District and Company will be in the field to review arrival, departure, and bus line up procedures at District sites.
  - Require new drivers to be trained on the actual route they are assigned or bid onto prior to driving the route solo. Each driver will be certified by a driver trainer or designee certifying their knowledge and ability to perform the tasks necessary to perform the route safely and efficiently. A certification process for each driver will be presented to District as the driver comes on board and annually.
  - Require all drivers to be trained and participate in District's PBIS (Positive Behavior Intervention Strategies).
    - Annual and ongoing training will be provided to drivers by the Company and District in collaboration
  - Require all drivers to support and receive training regarding Policy 102 – racial equity in educational achievement.
    - This includes racial equity training designed and delivered by District staff annually.
  - Provide training for drivers of special education will include proper handling and securement of wheelchairs, operation of lift equipment (including instruction and practice in the operation of the lift in the manual mode in the event of an electrical or control unit failure), information about disabling conditions, and behavior management for students with special needs.
    - Provide annual refresher training and certification for drivers who transport students with special needs.
      - This training must include specialized training, including, but not limited to, proper techniques for securing wheelchairs, cam straps, safety vests, and buckle guards.
  - Provide additional training to all drivers who are designated as drivers who can pull trailers behind school buses while in the service of providing field trip work for District
  - Seek prior written approval from the Supervisor of Transportation of each driver who requests to bring their own child with them on the route.
    - The Agreement must have a Child Ride-Along procedure/policy in place that meets the requirements of District.
      - Drivers will be granted permission on a case-by-case basis when space is available.
  - Conduct annual evaluation: Minnesota Statute 171.321 subdivision 5 specifies that drivers will receive a driving evaluation at least once a year. Company shall forward a copy of the certification of the evaluation on all drivers to the District Transportation Department
70. **Notification of Permanent Change of Bus Driver.** In the event Company makes a permanent change of assignment concerning a regular bus driver or regular bus aide, Company shall promptly notify the District's Transportation Department of such change.

## VEHICLES AND EQUIPMENT; FUEL

71. **General.** Company is responsible for providing Maintenance Services for the buses used by Company in providing the Transportation Services. Such vehicles are referred to interchangeably herein as "Buses" or "Vehicles."
72. **Condition and Maintenance.** Company shall furnish school buses that meet or exceed the current "National Standards for School Buses and Operations" as adopted by the National Conference on School Transportation and comply with the unique requirements of DISTRICT as established in these Specifications and Appendices. Buses will comply with all Federal and State of Minnesota regulations, laws, and rules for school bus operations.
  - District reserves the right to review maintenance records at any time during the Term.
73. **Fleet appearance/sanitization.** Company shall keep the bus fleet clean and sanitary. Buses will be washed monthly when weather permits, and interiors cleaned a minimum of once per day to assure a clean and safe environment for bus passengers.
74. **Bus Identification.** All buses will be identified by the name of the Company operating the bus on the battery box and will be labeled with the Company's approved name on the beltline and a coordinated numbering system upon consultation with District.
  - The number shall be located under the windshield on each side of the bus.
    - Each bus will have its identifying number a minimum of four inches (4") high in the center of the rear emergency exit door.
    - The bus numbers are to be displayed on the outside of the bus to the left of the front service door.
  - When spare buses are used, the Company shall place a magnetized sign or another acceptable device over the spare bus number with the number bus route it is running and post a sign in the appropriate window on the service door side of the bus.



75. **Vehicle Age.** Company shall maintain modern fleet compliant with State and Federal standards and regulations.
76. **Storage.** Company will store and park buses at the Facility when not in use. Company will abide by all applicable laws and ordinances pertaining to the parking of buses. At anytime during the Term, the District may inspect any and all buses and storage facilities to ensure compliance with Company's maintenance obligations hereunder.
77. **Fuel.** Company is solely responsible for its custody, safe keeping and dispensing of fuel for Company's use. Company assumes the risk of loss from any loss, misuse, theft or damage in relation to Company's usage.
- Company will manage fuel with software and programs approved by District
  - School buses operated on route, field trip or activity trip service under this Agreement may NOT be fueled by compressed natural gas (CNG), liquefied natural gas (LNG) or any fuel other than gasoline, diesel fuel, or propane without the written permission of District.
78. **Mechanics and Technicians.** Company will employ as Personnel a sufficient number of full-time, qualified, certified (when applicable), and experienced mechanics and technicians to provide maintenance services to assure vehicle safety and performance.
79. **P.A. Systems.** Company shall have all new Type C and D buses equipped with a public address system with four functional interior speakers and one exterior speaker for the purposes of communicating with students inside and around the "danger zones" outside of the school bus.
80. **Student Crossing Gates.** Company shall provide crossing gates for all Type A, C, and D buses used in the Agreement.
- Company shall install the crossing gates, maintain them and train drivers in the proper use of the gates
81. **Strobe Lights.** All contracted buses will be equipped with roof-mounted strobe lights for use during poor visibility
82. **Windows.** All new purchased/leased Type A, C, and D school buses with tinted passenger windows.
83. **Seatbelts and Restraints.** Company will provide booster seats and other necessary student securement/restraint systems (safety vests and cam straps) that are needed under the terms of the Agreement and the laws pertaining to special education.
- Company shall use wheelchair securement systems (ratchet type tie-downs) as approved by District and the driver will follow District prescribed tie-down procedure.
84. **Wheelchair Lift Equipment.** Company will provide a sufficient number of Type A with wheelchair lift equipment that meets all A.D.A. requirements, other Federal requirements and State of Minnesota rules and laws to meet District's routing needs.
- All lift buses operating under this Agreement shall be equipped with an emergency fire blanket for use in an emergency "drag type" evacuation of students who use wheelchairs or students that may require a lift bus.
  - Company shall provide a "space blanket" for each student who uses a wheelchair and/or is medically fragile that is assigned to a bus.
85. **Trailers.** Company shall maintain ability to provide up to four enclosed, (weather tight) trailers and a sufficient number of vehicles equipped with proper tow kits to safely tow them.
86. **Two-Way Radio.** All vehicles transporting all students to and from school, on field trips, activity trips, or on between-building programs, must be equipped with working two-way radio equipment. The radio equipment must be turned on and monitored by the driver whenever transporting District students or staff. The radio system must be adequate to provide effective communication between the Company's operational office and any bus on an assigned route. The Company shall provide a cell phone or other communication device, as approved by District if the bus will travel outside the normal range of its two-way radio.
- Should District deem necessary in the future, the Company will work with District to provide approved access to radio frequency/programming District own radios in order to gain access to radio transmissions between the Company and its vehicles
87. **Audio/Video Recording Systems.** District requires that all buses (Type III, A, C, and D) be equipped with digital video & audio recording systems. Required specifications and configurations (and/or changes) will be provided by the district annually, no later than May 1<sup>st</sup>.
- If the District requests a copy of a video from a camera, Company must upload it to a secure FTP site or electronic means of transferring video that the District can access or deliver the requested video before 11:00 AM the following day. Company shall ensure that the video camera systems are properly installed and operational in all buses. The Company shall ensure that each video system is a "locked system" that may be accessed only by authorized personnel (staff designated by the District and manager and supervisor level Personnel of Company). Company is responsible, at its expense, for maintenance, repair and replacement of such video systems. Company shall inspect video systems during regularly scheduled maintenance and inspections to ensure that the system is functioning as intended, including during times of extreme weather conditions. Company will ensure that all recorded video and audio will be archived for a minimum of fifteen (15) school days.
88. **GPS.** Each vehicle in the company fleet shall be equipped with a GPS system that conforms to the needs and specifications of District. GPS data and software tools shall be provided to DISTRICT as part of the Agreement.
89. **Changes in Laws or Requirements.** If the District or any governmental agency imposes additional equipment requirements other than those set forth in this Agreement, which are specific requirements for the operation of this Agreement or immediate installation is required for continuing operation of the Vehicles, Company and the District shall negotiate in good faith concerning price increases applicable to such equipment installation and any associated increase in Vehicle maintenance costs.



## AGREEMENT APPROVAL

**IN WITNESS WHEREOF**, the undersigned parties hereto have duly executed this Agreement as of the date indicated next to the name of the party who signs below:

### Authorized Signatures

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Ms. Dana Geller  
School Board Chair  
ISD #110 - Waconia Public Schools "DISTRICT"

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Mr. Brian Koch  
President  
Koch School Bus Service "COMPANY"

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Date

9/7/2023

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Date



## EXHIBIT A

### 1. “To and From” Routes Services

The cost for all regular “to and from” A.M. and P.M. routes, including: Regular routes, Integration/Desegregation routes, open-enrolled home-to-school) open-enrolled home-to-school transportation for the days of school operation. using the following unit costs:

Description	Vehicle Type	“Live” Time incl.	Billed U/M	Overage U/M	2023-24 Contract Rate	2023-24 Overage Rate	2024-25 Contract Rate	2024-25 Overage Rate	2025-26 Contract Rate	2025-26 Overage Rate
Daily Route	C, B, A	4 hours	per day	per ¼ hour	\$335.75	\$21.50	\$369.33	\$22.50	\$402.57	\$23.50
Daily Route [1/2 day/Split]	C, B, A	2 hours	per day	per ¼ hour	\$168.00	\$21.50	\$184.80	\$22.50	\$201.43	\$23.50
Daily Route	Type III	4 hours	per day	per ¼ hour	\$305.50	\$21.50	\$366.60	\$22.50	\$399.59	\$23.50
Daily Route [1/2 day/Split]	Type III	2 hours	per day	per ¼ hour	\$155.00	\$18.50	\$186.00	\$22.50	\$202.74	\$23.50
Partial Route (10 mile max)	Type III		per day	per ¼ hour	\$42.75	\$21.50	\$47.03	\$22.50	\$51.26	\$23.50

### 2. Special Services/Special Education Route Services

The cost for all special education and special needs A.M. and P.M. services, including open-enrolled home to-school transportation services, for the days of school operation using the following unit costs:

Description	Vehicle Type	“Live” Time incl.	Billed U/M	Overage U/M	2023-24 Contract Rate	2023-24 Overage Rate	2024-25 Contract Rate	2024-25 Overage Rate	2025-26 Contract Rate	2025-26 Overage Rate
Daily SPED Route [Full]	Type A	4 hours	per day	per ¼ hour	\$335.75	\$21.50	\$369.33	\$22.50	\$402.57	\$23.50
Daily SPED Route [Full]	Type A w/ Lift	4 hours	per day	per ¼ hour	\$335.75	\$21.50	\$369.33	\$22.50	\$402.57	\$23.50
Daily SPED Route [1/2 day/Split]	Type A	2 hours	per day	per ¼ hour	\$168.00	\$21.50	\$184.80	\$22.50	\$201.43	\$23.50
Daily SPED Route [1/2 day/Split]	Type A w/ Lift	2 hours	per day	per ¼ hour	\$168.00	\$21.50	\$184.80	\$22.50	\$201.43	\$23.50
Daily Route SPED Route [Any]	Type III	4 hours	per day	per ¼ hour	\$305.50	\$21.50	\$366.60	\$22.50	\$399.59	\$23.50
Daily Route SPED Route [1/2 day/Split]	Type III	2 hours	per day	per ¼ hour	\$155.00	\$21.50	\$186.00	\$22.50	\$202.74	\$23.50
SPED Partial/Shared Route [10 mile max]	Type III		per day	per ¼ hour	\$42.75	\$21.50	\$47.03	\$22.50	\$51.73	\$23.50



**EXHIBIT A (cont'd)**

**3. Activity, Charter, Extra-Curricular, Late Bus, Mid-Day, and Summer School Transportation**

The cost for all for services outside of scheduled daily routes using the following unit costs:

Vehicle Type	"Live" Time Route Minimum	U/M	2023-24 Hourly Rate	2024-25 Hourly Rate	2025-26 Hourly Rate	2023-24 Idle Driver Rate*	2024-2025 Idle Driver Rate*	2024-2025 Idle Driver Rate*	2023-2024 Mileage Rate**	2024-2025 Mileage Rate**	2025-2026 Mileage Rate**
Type C	2-Hours	Per Hour	\$55.00	\$60.50	\$65.95	\$30.00	\$32.50	\$35.00	\$1.77	\$1.95	\$2.12
Type A	2-Hours	Per Hour	\$55.00	\$60.50	\$65.95	\$30.00	\$32.50	\$35.00	\$1.77	\$1.95	\$2.12
Type III	2-Hours	Per Hour	\$52.00	\$57.20	\$62.35	\$30.00	\$32.50	\$35.00	\$1.34	\$1.47	\$1.61
Trailer	Trailer	Per Trip	\$50.00	\$55.00	\$59.95						

\*Idle Driver rate applies for every hour of non-live time beyond 10 minutes for drop off/pickup when it is NOT logistically or economically responsible to have driver return to company facility and return for pickup

\*\*Mileage applies to every mile driven outside of 30-mile radius of district boundaries

**4. District usage of Company Vehicles**

The cost for District use of Company vehicles by qualified district personnel (vehicle only)

Vehicle Type	2023-2024 Mileage Rate	2024-2025 Mileage Rate	2025-2026 Mileage Rate
Type III Van	\$1.34	\$1.47	\$1.61

**5. Future Years Rate Schedule**

Rate changes for future years are defined as below

School Year	Contractual Rate Increase
2024-2025	As presented in Exhibit A or CPI (if CPI is greater)
2025-2026	As presented in Exhibit A or CPI (if CPI is greater)
2026-2027	Greater of 3% or CPI for all services
2027-2028	Greater of 2% or CPI for all services
2028-2029	Direct Negotiation
2029-2030	Direct Negotiation
2030-2031	Direct Negotiation
2031-2032	Direct Negotiation
2032-2033	Direct Negotiation

7.C. Second Read Board Policies

7.C.1. 101 Legal Status of the School District

## **101 LEGAL STATUS OF THE SCHOOL DISTRICT**

### **I. PURPOSE**

A primary principle of this nation is that the public welfare demands an educated and informed citizenry. The power to provide for a general and uniform quality public education is a state function vested in the state legislature and delegated to local school districts. The purpose of this policy is to clarify the legal status of the school district.

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

- A. The school district is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. The school district has been created for educational purposes.
- B. The legislature has authority to prescribe the school district's powers and privileges, its boundaries and territorial jurisdictions.
- C. The school district has only the powers conferred on it by the legislature; however, the school board's authority to govern, manage, and control the school district, to carry out its duties and responsibilities, and to conduct the business of the school district includes implied powers in addition to any specific powers granted by the legislature.

### **III. RELATIONSHIP TO OTHER ENTITIES**

- A. The school district is a separate legal entity.
- B. The school district is coordinate with and not subordinate to the county(ies) in which it is situated.
- C. The school district is not subservient to municipalities within its territory.

### **IV. POWERS AND AUTHORITY OF THE SCHOOL DISTRICT**

- A. Funds
  - 1. The school district, through its school board, has authority to raise funds for the operation and maintenance of its schools and authority to manage and expend such funds, subject to applicable law.
  - 2. The school district has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
  - 3. School district officials occupy a fiduciary position in the management

and expenditure of funds entrusted to them.

B. Raising Funds

1. The school district shall, within the limitations specified by law, provide by levy of tax necessary funds for the conduct of schools, payment of indebtedness, and all proper expenses.
2. The school district may issue bonds in accordance with the provisions of **Minnesota Statutes Chapter ~~Minn. Stat. Ch.~~ 475**, or other applicable law.
3. The school district has authority to accept gifts and donations for school purposes, subject to applicable law.

C. Property

1. The school district may acquire property for school purposes. It may sell, exchange, or otherwise dispose of property which is no longer needed for school purposes, subject to applicable law.
2. The school district shall manage its property in a manner consistent with the educational functions of the district.
3. The school district may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.
4. School district officials hold school property as trustees for the use and benefit of students, taxpayers, and the community.

D. Contracts

1. The school district is empowered to enter into contracts in the manner provided by law.
2. The school district has authority to enter into installment purchases and leases with an option to purchase, pursuant to **Minnesota Statutes section ~~Minn. Stat. §~~ 465.71** or other applicable law.
3. The school district has authority to make contracts with other governmental agencies and units for the purchase, lease or other acquisition of equipment, supplies, materials, or other property, including real property.
4. The school district has authority to enter into employment contracts. As a public employer, the school district, through its designated representatives, shall meet and negotiate with public employees in an appropriate bargaining unit and enter into written collective bargaining agreements

with such employees, subject to applicable law.

E. Textbooks, Educational Materials, and Studies

1. The school district, through its school board and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.
2. The school district shall establish and apply the school curriculum.

F. Actions and Suits

The school district has authority to sue and to be sued.

**Legal References:** Minn. Const. art. 13, § 1  
Minn. Stat. Ch. 123B (School Districts, Powers and Duties)  
Minn. Stat. Ch. 179A (Public Employment Labor Relations)  
Minn. Stat. § 465.035 (Public Corporation, Conveyance or Lease of Land)  
Minn. Stat. §§ 465.71; 471.345; 471.6161; 471.6175; 471.64 (Rights, Powers, Duties; Municipalities of Political Subdivisions)  
*Minnesota Association of Public Schools v. Hanson*, 287 Minn. 415, 178 N.W.2d 846 (1970)  
*Independent School District No. 581 v. Mattheis*, 275 Minn. 383, 147 N.W.2d 374 (1966)  
*Village of Blaine v. Independent School District No. 12*, 272 Minn. 343, 138 N.W.2d 32 (1965)  
*Huffman v. School Board*, 230 Minn. 289, 41 N.W.2d 455 (1950)  
*State v. Lakeside Land Co.*, 71 Minn. 283, 73 N.W.970 (1898)

**Cross References:** MSBA/MASA Model Policy 201 (Legal Status of School Board)  
MSBA/MASA Model Policy 603 (Curriculum Development)  
MSBA/MASA Model Policy 604 (Instructional Curriculum)  
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)  
MSBA/MASA Model Policy 705 (Investments)  
MSBA/MASA Model Policy 706 (Acceptance of Gifts)  
MSBA/MASA Model Policy 801 (Equal Access to School Facilities)  
MSBA School Law Bulletin “F” (Contract and Bidding Procedures)

Policy Adopted: July 2007  
Reviewed: January 2013/November 2019  
Amended: July 2022

Independent School District No. 110  
Waconia, MN

7.C.2. 102 Equal Educational Opportunity

## 102 EQUAL EDUCATIONAL OPPORTUNITY

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

### I. PURPOSE

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the school district.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to provide equal educational opportunity for all students. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, including gender identity and expression, or age. The school district also makes reasonable accommodations for students with disabilities.
- B. The school district prohibits harassment and discrimination of any individual based on any of the protected classifications listed above. For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence (Policy 413).
- C. The school district prohibits discrimination of students with a disability, within the intent of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), who need services, accommodations, or programs in order to receive a free appropriate public education. For information as to protections that may apply pursuant to Section 504 and the school district's corresponding procedures for addressing disability discrimination complaints, refer to the school district's policy on student disability nondiscrimination (Policy 521).
- D. The school district prohibits sexual harassment discrimination of any individual on the basis of sex in its education programs or activities. For information as to the protections that apply pursuant to Title IX and school district's corresponding procedures and processes for addressing sexual harassment and discrimination, refer to the school district's policy on Title IX sex nondiscrimination (Policy 522).
- E. The school district shall provide equal opportunity for members of each sex and to members of all races and ethnicities to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this law, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution; whether the opportunity for members of all races and ethnicities to participate in the athletic program reflects the demonstrated interest in athletics of members of all races and ethnicities in the student body of the

educational institution; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of each sex; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of all races and ethnicities; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.

- E. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- F. Every school district employee shall be responsible for complying with this policy.
- G. Any student, parent, or guardian having a question regarding this policy should discuss it with the appropriate school district official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the superintendent.

**Legal References:** Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
**Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)**  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972)  
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

**Cross References:**  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process)

Policy Adopted: July 2007  
Reviewed: May 2016  
Revised: November 2019, December 2021  
Independent School District No. 110  
Waconia, MN

7.C.3. 414 Form: Confidential Student  
Maltreatment Reporting Form



# Confidential Student Maltreatment Reporting Form

Date submitted: \_\_\_\_\_ SMP File # \_\_\_\_\_ (MDE staff use only)

## REPORTER (Reporter is confidential under Minnesota Statutes, section 260E.)

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Mandated Reporter: Yes No

## SCHOOL INFORMATION (Current Enrollment Location of Alleged Victim)

ISD#: \_\_\_\_\_ School District: \_\_\_\_\_ School/ Program Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Principal/Director: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Transportation Company Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

## ALLEGED VICTIM

Name: \_\_\_\_\_ Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Male Female DOB: \_\_\_\_\_ Grade: \_\_\_\_\_ Race/Ethnicity: \_\_\_\_\_

Receives Special Education Services: Yes No Primary Disability Category: \_\_\_\_\_

Alleged Victim is over the age of 18: Yes No (If over 18, please provide the following contact information)

Alleged Victim Phone: \_\_\_\_\_ Alleged Victim Email: \_\_\_\_\_

Alleged Victim has a legal guardian: Yes No

Parent/Guardian 1: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Parent/Guardian 2: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Minnesota Department of Education  
Student Maltreatment Program  
1500 Highway 36 West, Roseville, MN 55113-4266  
Reporting Line: 651-582-8546  
Fax: 651-797-1601  
Email: [mde.student-maltreatment@state.mn.us](mailto:mde.student-maltreatment@state.mn.us)

**ALLEGED OFFENDER**

Name: \_\_\_\_\_ Position: \_\_\_\_\_ DOB: \_\_\_\_\_ Male      Female  
Home Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_  
Race/Ethnicity: \_\_\_\_\_ Phone: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_  
Licensed:            Yes            No  
If licensed, name of licensing board(s): \_\_\_\_\_ License/Folder # \_\_\_\_\_

**INCIDENT**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Setting (i.e. Bus, Classroom): \_\_\_\_\_  
Location and Address (if different than enrolled school): \_\_\_\_\_  
Witness \_\_\_\_\_ Phone: \_\_\_\_\_  
Witness \_\_\_\_\_ Phone: \_\_\_\_\_  
Police Notified:      Yes      No      Police Department: \_\_\_\_\_  
Police Contact: \_\_\_\_\_ Phone: \_\_\_\_\_ Case #: \_\_\_\_\_

**Alleged Maltreatment:**      Physical Abuse      Sexual Abuse      Neglect      Unknown

Injury:      Yes      No

**Description of Incident and Injury:** (please attach additional documentation, if needed)

7.C.4. 418 Drug-Free Workplace/Drug-Free School

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

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

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

### III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.
- C. **"Edible cannabinoid product"** ~~"Medical cannabis"~~ means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug. ~~species of~~

~~the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or (4) any other method, excluding smoking, approved by the commissioner.~~

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

- J. “Use” means to sell, buy, manufacture, distribute, dispense, be under the influence of, or consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate means.

#### IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a school location, for such person’s own use, a controlled substance, except medical cannabis, **nonintoxicating cannabinoids, or edible cannabinoid products**, which has a currently accepted medical use in treatment in the United States and the person has a physician’s prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).
- C. A violation of this policy does not occur when a person uses or possesses a toxic substance unless they do so with the intent of inducing or intentionally aiding another in inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.

#### V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, **nonintoxicating cannabinoids, or edible cannabinoid products**, must comply with the school district’s student medication policy.

*[Note: School districts are required by Minn. Stat. § 121A.22 to develop procedures for the administration of drugs and medicine. If the school district does not have a student medication policy such as MSBA/MASA Model Policy 516, this Paragraph A. can be modified to provide: “Students who have a prescription from a physician for medical treatment with a controlled substance , **except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products** must provide a copy of the prescription and the medication to the school nurse, principal, or other designated staff member. The school district’s licensed school nurse, trained health clerk, principal, or teacher will administer the prescribed medication **except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products** in accordance with school district procedures.”]*

- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, **nonintoxicating cannabinoids, or edible cannabinoid products**, are permitted to possess such controlled substance

and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.

- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.

*[Note: The Drug-Free Workplace Act requires that school district employees be notified by a published statement of the prohibition of the use of controlled substances and actions that will be taken against employees for violations of such prohibition. 41 U.S.C. § 8103; 34 C.F.R. Part 84. An acknowledgment will document satisfaction by the school district of this federal requirement.]*

- D. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances, **nonintoxicating cannabinoids, or edible cannabinoid products** in a school location except with the express permission of the superintendent.
- F. No person is permitted to possess or use medical cannabis, **nonintoxicating cannabinoids, or edible cannabinoid products** on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility. **This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products.**
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

## VI. SCHOOL PROGRAMS

- A. Starting in the 2026-2027 school year, the school district must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, for students in middle school and high school. The program must include instruction on the topics listed in Minnesota Statutes, section 120B.215, subdivision 1 and must:
  - 1. respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and

substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl; and

2. refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.
- B. School district efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10 and 120B.11.
- C. Notwithstanding any law to the contrary, the school district shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. The district must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

## VII. ENFORCEMENT

### A. Students

1. ~~Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and nonintoxicating cannabinoids, and (including edible cannabinoid products.); A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.~~
2. The sStudents may be referred to a drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and violence and appropriate referral to direct individual or group counselling service. which may be provided by school based mental health services providers; and/or to law enforcement officials when appropriate.

### B. Employees

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of

nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

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

#### C. The Public

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

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

41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)  
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)  
~~20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)~~

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

Policy Adopted: April 8, 1991

Amended: December 9, 1996 / June 8, 1998 / February 11, 2002 / May 12, 2008 / February 2018  
December 9, 2019

Independent School Dist No. 110  
Waconia, MN

7.C.5. 419 Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction

**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, 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, 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 American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. 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.

**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 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)

Policy Adopted: June 8, 1988

Revised: February 11, 2002, May 12, 2008, June 2011, August 2015, December 2018, December 2019, June 2021, April 2023

Independent School District No. 110  
Waconia, MN

7.C.6. 425 Staff Development and Mentoring

## **425 STAFF DEVELOPMENT AND MENTORING**

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

### **I. PURPOSE**

The purpose of this policy is to establish a staff development program and structure to carry out planning and reporting on staff development that supports improved student learning.

### **II. ADVISORY STAFF DEVELOPMENT COMMITTEE AND SITE PROFESSIONAL DEVELOPMENT TEAMS**

- A. The school board will establish an Advisory Staff Development Committee to develop a Staff Development Plan, assist Site Professional Development Teams in developing a site plan consistent with the goals of the Staff Development Plan, and evaluate staff development efforts at the site level.
  - 1. The majority of the membership of the Advisory Staff Development Committee shall consist of teachers representing various grade levels, subject areas, and special education. The Committee also will include nonteaching staff, parents, and administrators.
  - 2. Members of the Advisory Staff Development Committee shall be appointed by the school board. Committee members shall serve a two-year term<sup>1\*</sup> based upon nominations by board members, teachers, and paraprofessionals. The school board shall appoint replacement members of the Advisory Staff Development Committee as soon as possible following the resignation, death, serious illness, or removal of a member from the Committee.
- B. The school board shall approve the guidelines for member representation of the Site Professional Development Teams.
  - 1. Members of the Site Professional Development Teams will be appointed by the Superintendent or designee. Team members shall serve a two-year term\* based upon nominations by board members, administration, teachers, and paraprofessionals. The school board shall appoint replacement members of the Site Professional Development Teams as soon as possible following the resignation, death, serious illness, or removal of a member from the Team.
  - 2. The majority of the Site Professional Development Teams shall be teachers representing various grade levels, subject areas, and special education.

### **III. DUTIES OF THE ADVISORY STAFF DEVELOPMENT COMMITTEE**

- A. The Advisory Staff Development Committee will develop a Staff Development Plan that will be reviewed and subject to approval by the school board annually.<sup>2\*</sup>
- B. The Staff Development Plan must contain the following elements:
  - 1. Staff development outcomes that are consistent with the education outcomes as may be determined periodically by the school board;

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<sup>1\*</sup> This time period may be changed to accommodate individual school district needs.

<sup>2\*</sup> ~~This time period may be changed to accommodate individual school district needs.~~

***[Note: The board-determined education outcomes for your district could be inserted here.]***

2. The means to achieve the Staff Development outcomes;
3. The procedures for evaluating progress at each school site toward meeting educational outcomes consistent with relicensure requirements under Minnesota Statutes, section 122A.187;
4. Ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:
  - a. Improve student achievement of state and local education standards in all areas of the curriculum, including areas of regular academic and applied and experiential learning, by using research-based best practices methods;
  - b. Effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, English learners, and gifted children, within the regular classroom, applied and experiential learning settings, and other settings;
  - c. Provide an inclusive curriculum for a racially, ethnically, linguistically, and culturally diverse student population that is consistent with state education diversity rule and the district's education diversity plan;
  - d. Improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district;
  - e. Effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution;
  - f. Effectively deliver digital and blended learning and curriculum and engage students with technology; and
  - g. Provide teachers and other members of site-based management teams with appropriate management and financial management skills.
5. The Staff Development Plan also must:
  - a. Support stable and productive professional communities achieved through ongoing and schoolwide progress and growth in teaching practice;
  - b. Emphasize coaching, professional learning communities, classroom action research, and other job-embedded models;
  - c. Maintain a strong subject matter focus premised on students' learning goals consistent with Minnesota Statutes, section 120B.125;
  - d. Ensure specialized preparation and learning about issues related to teaching English learners and students with special needs by focusing on long-term systemic efforts to improve educational services and opportunities and raise student achievement; and
  - e. Reinforce national and state standards of effective teaching practice.
6. Staff development activities must:

- a. Focus on the school classroom and research-based strategies that improve student learning;
  - b. Provide opportunities for teachers to practice and improve their instructional skills over time;
  - c. Provide opportunities for teachers to use student data as part of their daily work to increase student achievement;
  - d. Enhance teacher content knowledge and instructional skills, including to accommodate the delivery of digital and blended learning and curriculum and engage students with technology;
  - e. Align with state and local academic standards;
  - f. Provide opportunities to build professional relationships, foster collaboration among principals and staff who provide instruction, and provide opportunities for teacher-to-teacher mentoring;
  - g. Align with the plan, if any, of the district or site for an alternative teacher professional pay system;
  - h. Provide teachers of English learners, including English as a second language, and content teachers with differentiated instructional strategies critical for ensuring students long-term academic success, the means to effectively use assessment data on the academic literacy, oral academic language, and English language development of English learners, and skills to support native and English language development across the curriculum; and
  - i. Provide opportunities for staff to learn about current workforce trends, the connections between workforce trends and postsecondary education, and training options, including career and technical education options.
7. Staff development activities may include curriculum development and curriculum training programs and activities that provide teachers and other members of site-based teams training to enhance team performance.
8. The school district may implement other staff development activities required by law and activities associated with professional teacher compensation models.

***[Note: To the extent, the school board offers K-12 teachers the opportunity for more staff development training under Minnesota Statutes section 122A.40, Subdivisions 7 and 7a, or Minnesota Statutes section 122A.41, Subdivisions 4 and 4a, such additional days of staff development should include peer mentoring, peer gathering, continuing education, professional development, or other training which enable teachers to achieve the staff development outcomes enumerated above in Section III.B.4.]***

- C. The Advisory Staff Development Committee will assist Site Professional Development Teams in developing a site plan consistent with the goals and outcomes of the Staff Development Plan.
- D. The Advisory Staff Development Committee will evaluate staff development efforts at

the site level and will report to the school board annually<sup>3\*</sup> the extent to which staff at the site have met the outcomes of the Staff Development Plan.

- E. In addition to developing a Staff Development Plan, the Staff Development Advisory Committee also must develop teacher mentoring programs for teachers new to the profession or school district, including teaching residents, teachers of color, teachers who are American Indian, teachers in license shortage areas, teachers with special needs, or experienced teachers in need of peer coaching. Teacher mentoring programs must be included in or aligned with the school district's teacher evaluation and peer review processes under Minnesota Statutes sections 122A.40, subdivision 8 or 122A.41, subdivision 5.
- F. The Advisory Staff Development Committee shall assist the school district in preparing any reports required by the Minnesota Department of Education (MDE) relating to staff development or teacher mentoring including, but not limited to, the reports referenced in Section VII. below.

#### **IV. DUTIES OF THE SITE PROFESSIONAL DEVELOPMENT TEAM**

- A. Each Site Professional Development Team shall develop a site plan, consistent with the goals of the Staff Development Plan. The school board will review the site plans for consistency with the Staff Development Plan annually.\*
- B. The Site Professional Development Team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the Staff Development Plan. The actual reports to the school board can be made by the Advisory Staff Development Committee to avoid duplication of effort.
- C. If the school board determines that staff development outcomes are not being met, it may withhold a portion of the initial allocation of revenue referenced in Section V. below.

#### **V. STAFF DEVELOPMENT FUNDING**

- A. Unless the school district is in statutory operating debt or a majority of the school board and a majority of its licensed teachers annually vote to waive the requirement to reserve basic revenue for staff development, the school district will reserve an amount equal to at least two percent of its basic revenue for: (1) teacher development and evaluation under Minnesota Statutes section 122A.40, subdivision 8 or 122A.41, subdivision 5; (2) principal development and evaluation under section 123B.147, subdivision 3; (3) professional development under section 122A.60; (4) in-service education for programs under section 120B.22, subdivision 2; and (5) teacher mentorship under section 122A.70, subdivision 1. To the extent extra funds remain, staff development revenue may be used for development plans, including plans for challenging instructional activities and experiences under section 122A.60, and for curriculum development and programs, other in-service education, teacher's workshops, teacher conferences, the cost of substitute teachers for staff development purposes, preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts. The school district also may use the revenue reserved for staff development for grants to the school district's teachers to pay for coursework and training leading to certification as either a college in the schools teacher or a concurrent enrollment teacher. To receive a grant, the teacher must be enrolled in a program that includes coursework and training focused on teaching a core subject.

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<sup>3\*</sup> This time period may be changed to accommodate individual school district needs.

- B. The school district may, in its discretion, expend an additional amount of unreserved revenue for staff development based on its needs.
- C. Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and instructional skills, such as preparing report cards, calculating grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under Minnesota Statutes section 122A.61.
- D. The school district may use staff development revenue, special grant programs established by the legislature, or another funding source to pay a stipend to a mentor who may be a current or former teacher who has taught at least three (3) years and is not on an improvement plan. Other initiatives using such funds or funds available under Minnesota Statutes sections 124D.861, may include:
  - 1. additional stipends as incentives to mentors of color or who are American Indian;
  - 2. financial supports for professional learning community affinity groups across schools within and between districts for teachers from underrepresented racial and ethnic groups to come together throughout the school year;
  - 3. programs for induction aligned with the school district or school mentorship program during the first three (3) years of teaching, especially for teachers from underrepresented racial and ethnic groups; or
  - 4. grants supporting licensed and nonlicensed educator participation in professional development, such as workshops and graduate courses, related to increasing student achievement for students of color and American Indian students in order to close opportunity and achievement gaps.

To the extent the school district receives a grant for any of the above purposes, it will negotiate additional retention strategies or protection from unrequested leave of absences in the beginning years of employment for teachers of color and teachers who are American Indian. Retention strategies may include providing financial incentives for teachers of color and teachers who are American Indian to work in the school or district for at least five (5) years and placing American Indian educators at sites with other American Indian educators and educators of color at sites with other educators of color to reduce isolation and increase opportunity for collegial support.

## **VI. PROCEDURE FOR USE OF STAFF DEVELOPMENT FUNDS**

- A. On a yearly<sup>4\*</sup> basis, the Advisory Staff Development Committee, with the assistance of the Site Professional Development Teams, shall prepare a projected budget setting forth proposals for allocating staff development and mentoring funds reserved for each school site. Such budgets shall include, but not be limited to, projections as to the cost of building site training programs, costs of individual staff seminars, and cost of substitutes.
- B. Upon approval of the budget by the school board, the Advisory Committee shall be responsible for monitoring the use of such funds in accordance with the Staff Development Plan and budget. The requested use of staff development funds must meet or make progress toward the goals and objectives of the Staff Development Plan. All costs/expenditures will be reviewed by the school board and/or superintendent for consistency with the Staff Development Plan on a quarterly basis.\*

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<sup>4\*</sup> This time period may be changed to accommodate individual school district needs.

- C. Individual requests from staff for leave to attend staff development activities shall be submitted and reviewed according to school district policy, staff procedures, contractual agreement, and the effect on school district operations. Failure to timely submit such requests may be cause for denial of the request.

**VII. PARAPROFESSIONALS, TITLE I AIDES, AND OTHER INSTRUCTIONAL SUPPORT STAFF**

- A. The school district must provide a minimum of eight hours of paid orientation or professional development annually to all paraprofessionals, Title I aides, and other instructional support staff. Six of the eight hours must be completed before the first instructional day of the school year or within 30 days of hire.
- B. The orientation or professional development must be relevant to the employee's occupation and may include collaboration time with classroom teachers and planning for the school year.
- C. For paraprofessionals who provide direct support to students, at least 50 percent of the professional development or orientation must be dedicated to meeting the requirements of this section. Professional development for paraprofessionals may also address the requirements of Minnesota Statutes, section 120B.363, subdivision 3.
- D. A school administrator must provide an annual certification of compliance with this requirement to the MDE Commissioner.

**VIII. REPORTING**

- A. The school district and site staff development committee shall prepare a report of the previous fiscal year's staff development activities and expenditures as part of the school district's world's best workforce report.
  - 1. The report must include assessment and evaluation data indicating progress toward district and site staff development goals based on teaching and learning outcomes, including the percentage of teachers and other staff involved in instruction who participate in effective staff development activities.
  - 2. The report will provide a breakdown of expenditures for:
    - a. Curriculum development and curriculum training programs;
    - b. Staff development training models, workshops, and conferences; and
    - c. The cost of releasing teachers or providing substitute teachers for staff development purposes.

The report also must indicate whether the expenditures were incurred at the district level or the school site level and whether the school site expenditures were made possible by the grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures must be reported using the uniform financial and accounting and reporting standards (UFARS).

- 3. The report will be signed by the superintendent and staff development chair.

- B. To the extent the school district receives a grant for mentorship activities described in Section V.D., by June 30 of each year after receiving a grant, the site staff development committee must submit a report to the Professional Educator

Licensing and Standards Board on program efforts that describes mentoring and induction activities and assesses the impact of these programs on teacher effectiveness and retention.

**Legal References:** Minn. Stat. § 120A.41 (Length of School Year; Days of Instruction)  
Minn. Stat. § 120A.415 (Extended School Calendar)  
Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)  
Minn. Stat. § 120B.22, subd. 2 (Violence Prevention Education)  
**Minn. Stat. § 121A.642 (Paraprofessional Training)**  
Minn. Stat. § 122A.187 (Expiration and Renewal)  
Minn. Stat. § 122A.40, subds. 7, 7a, and 8 (Employment; Contracts; Termination)  
Minn. Stat. § 122A.41, subds. 4, 4a, and 5 (Teacher Tenure Act; Cities of the First Class; Definition)  
Minn. Stat. § 122A.60 (Staff Development Program)  
Minn. Stat. § 122A.60 (Teacher Mentorship and Retention of Effective Teachers)  
Minn. Stat. § 122A.61 (Reserved Revenue for Staff Development)  
Minn. Stat. § 123B.147, subd. 3 (Principals)  
Minn. Stat. § 124D.861 (Achievement and Integration for Minnesota)  
Minn. Stat. § 124D.862 (Achievement and Integration Revenue)  
Minn. Stat. § 126C.10, subds. 2 and 2b (General Education Revenue)  
Minn. Stat. § 126C.13, subd. 5 (General Education Levy and Aid)

**Cross References:** None.

Policy Adopted: May 12, 2008

Revised: June 2011 / August 2015 / February 2020 / March 2023

Independent School District No. 110

Waconia, MN

7.C.7. 504 Student Appearance

## 504 STUDENT DRESS AND APPEARANCE

### I. PURPOSE

The purpose of this policy is to enhance the education of students by establishing expectations of dress and grooming that are related to educational goals and community standards.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to encourage students to be dressed appropriately for school activities and in keeping with the community standards. This is a joint responsibility of the student and the student's parent(s) or guardian(s).
- B. Appropriate clothing includes, but is not limited to, the following:
  - 1. Clothing appropriate for the weather.
  - 2. Clothing that does not create a health or safety hazard.
  - 3. Clothing appropriate for the activity (i.e., physical education or the classroom).
  - 4. Hair, including but not limited to hair texture and hair styles such as braids, locks, and twists.
- C. Clothing must cover areas from one armpit across to the other armpit, down to approximately mid-thighs, applicable to front and back. Tops must have shoulder straps. See-through or mesh garments must not be worn without appropriate coverage underneath that meet the requirements of the dress code.
- D. Inappropriate clothing includes, but is not limited to, the following:
  - 1. Clothing bearing a message that is lewd, vulgar, or obscene.
  - 2. Apparel promoting products or activities that are illegal for use by minors.
  - 3. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined in MSBA/MASA Model Policy 413.
  - 4. Any apparel or footwear that would damage school property.
- E. Headgear, including hats or head coverings, are not allowed in the elementary and middle school buildings except with the approval of the building principal (i.e., student undergoing chemotherapy, medical situations, student religious practice or belief).
- F. It is not the intention of this policy to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages

are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, or do not advocate violence or harassment against others.

- G. "Gang," as defined in this policy, means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. "Pattern of gang activity" means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.

**III. PROCEDURES**

- A. When, in the judgement of the administration, a student’s appearance, grooming, or mode of dress interferes with or disrupts the educational process or school activities, or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day. Parents/guardians will be notified.
- B. The administration may recommend a form of dress considered appropriate for a specific event and communicate the recommendation to students and parents/guardians. **A school district or charter school must not prohibit an American Indian student from wearing American Indian regalia, Tribal regalia, or objects of cultural significance at a graduation ceremony.**
- C. Likewise, an organized student group may recommend a form of dress for students considered appropriate for a specific event and make such recommendation to the administration for approval.

**IV. CONSEQUENCES FOR WEARING INAPPROPRIATE CLOTHING**

	1st Offense	2nd Offense	3rd Offense
K-12	<ul style="list-style-type: none"> <li>● Record of offense</li> <li>● Student is counseled</li> <li>● Clothing modifications as necessary</li> </ul>	<ul style="list-style-type: none"> <li>● Record of offense</li> <li>● Student is counseled</li> <li>● Clothing modifications as necessary</li> <li>● Parent/guardian notification</li> </ul>	<ul style="list-style-type: none"> <li>● Record of offense</li> <li>● Student is counseled</li> <li>● Clothing modifications as necessary</li> <li>● Parent/guardian notification</li> <li>● Detention or appropriate consequence as assigned</li> </ul>

**Legal References:** U. S. Const., amend. I  
*Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*B.W.A. v. Farmington R-7 Sch. Dist.*, 554 F.3d 734 (8th Cir. 2009)  
*Lowry v. Watson Chapel Sch. Dist.*, 540 F.3d 752 (8th Cir. 2008)  
*Stephenson v. Davenport Cmty. Sch. Dist.*, 110 F.3d 1303 (8th Cir. 1997)  
*D.B. ex rel. Brogdon v. Lafon*, 217 Fed.Appx. 518 (6th Cir. 2007)  
*Hardwick v. Heyward*, No. 4:06-cv-1042-TLW, 2012 WL761249 (D.S.C. Mar. 8, 2012)  
*Madrid v. Anthony*, 510 F.Supp.2d 425 (S.D. Tex. 2007)  
*McIntire v. Bethel School, Indep. Sch. Dist. No. 3*, 804 F.Supp. 1415 (W.D. Okla. 1992)  
*Hicks v. Halifax County Bd. of Educ.*, 93 F.Supp.2d 649 (E.D. N.C. 1999)  
*Olesen v. Bd. of Educ. of Sch. Dist. No. 228*, 676 F.Supp. 820 (N.D. Ill. 1987)

**Cross References:** MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 525 (Violence Prevention)

Policy Adopted: July 2003

Revised November 2005, revised April 2009, reviewed January 2013, revised February 2020, revised July 2023

Independent School District 110

Waconia, MN

7.C.8. 507 Corporal Punishment and Prone  
Restraint

## 507 CORPORAL PUNISHMENT AND PRONE RESTRAINT

- I. The purpose of this policy is to describe limitations on use of corporal punishment and prone restraint upon a of students.

### II. GENERAL STATEMENT OF POLICY

No employee or agent of the school district shall inflict corporal punishment or use prone restraint upon a student. ~~or charter school shall cause corporal punishment to be inflicted upon a student to reform unacceptable conduct or as a penalty for unacceptable conduct. As used in this policy, the term "corporal punishment" means conduct involving hitting or spanking a person with or without an object, or unreasonable physical force that causes bodily harm or substantial emotional harm.~~

### III. DEFINITIONS

1. "Corporal punishment" means conduct involving:
  - a. hitting or spanking a person with or without an object; or
  - b. unreasonable physical force that causes bodily harm or substantial emotional harm.
2. "Prone restraint" means placing a child in a face-down position.

### IV. PROHIBITIONS

1. An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.
2. An employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, shall not use prone restraint.
3. An employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.
4. Conduct that violates this Article is not a crime under Minnesota Statutes, section 645.241, but may be a crime under Minnesota Statutes, chapter 609 if the conduct violates a provision of Minnesota Statutes, chapter 609. Conduct that violates IV.1 above is not per se corporal punishment under the statute. Nothing in this Minnesota Statutes, section 121A.58 or 125A.0941 precludes the use of reasonable force under Minnesota Statutes, section 121A.582.

### V. EXCEPTIONS

A teacher or school principal may use reasonable force **under the conditions set forth in Policy 507 (Student Discipline)**. ~~when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another. Other school district employees, school bus drivers, or other agents of a school district may use reasonable force when necessary under the circumstances to restrain a student or prevent bodily harm or death to another.~~

### **III. VIOLATION**

Employees who violate the provisions of this policy shall be subject to disciplinary action as appropriate. Any such disciplinary action shall be made pursuant to and in accordance with applicable statutory authority, collective bargaining agreements and school district policies. Violation of this policy may also result in civil or criminal liability for the employee.

**Legal References:** Minn. Stat. § 123B.25 (Actions Against Districts and Teachers)  
Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 609.06 Subd. 1 (6)(7) (Authorized Use of Force)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension and Dismissal of School District Employees)  
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)  
Policy 506 (Student Discipline)

Policy Adopted: June 2003 / November 2005 / reviewed May 11, 2009 / reviewed May, 2016 / reviewed February 2020 / revised December 2021  
Independent School District #110  
Waconia, MN

7.C.9. 509 Enrollment of Nonresident Students

## 509 ENROLLMENT OF NONRESIDENT STUDENTS

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

### I. PURPOSE

The school district desires to participate in the Enrollment Options Program (**Open Enrollment**) established by Minnesota Statutes section 124D.03. The purpose of this policy is to set forth the application and exclusion procedures used by the school district in making said determination.

### II. GENERAL STATEMENT OF POLICY

The school board adopts specific standards for acceptance and rejection of Open Enrollment applications.

### III. OPEN ENROLLMENT PROCESS

#### A. Eligibility.

**Open Enrollment applications** Applications for enrollment under the Enrollment Options (**Open Enrollment**) Law will be approved provided that acceptance of the application will not exceed the capacity of a program, excluding special education services; class; grade level; or school building as established by school board resolution and provided that:

1. space is available for the applicant under enrollment cap standards established by school board policy or other directive; and
2. in considering the capacity of a grade level, the school district may only limit the enrollment of nonresident students to a number not less than the lesser of: (a) one percent of the total enrollment at each grade level in the school district; or (b) the number of school district resident students at that grade level enrolled in a nonresident school district in accordance with **Minn. Stat. § Minnesota Statutes section** 124D.03.
3. the applicant is not otherwise excluded by action of the school district because of previous conduct in another school district.

**B. If the school district limits enrollment of nonresident students pursuant to this section, the district shall report to the Commissioner of the Minnesota Department of Education (MDE) by July 15 on the number of nonresident pupils denied admission due to the limitations on the enrollment of nonresident pupils.**

### IV. BASIS FOR DECISIONS

#### A. Standards that may be used for rejection of application.

In addition to the provisions of Paragraph II.A., the school district may refuse to allow a pupil who is expelled under **Minn. Stat. §Minnesota Statutes section** 121A.45 to enroll during the term of the expulsion if the student was expelled for:

1. possessing a dangerous weapon, including a weapon, device, instruments, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, **with except that such term does not include** the exception of a pocket knife with a blade less than two and one-half inches in length, at school or a school function;
2. possessing or using an illegal drug at school or a school function;

3. selling or soliciting the sale of a controlled substance while at school or a school function; or
4. committing a third-degree assault involving assaulting another and inflicting substantial bodily harm.

**CB. Standards that may not be used for rejection of application**

The school district may not use the following standards in determining whether to accept or reject an application for open enrollment:

1. previous academic achievement of a student;
2. athletic or extracurricular ability of a student;
3. disabling conditions of a student;
4. a student's proficiency in the English language;
5. the student's district of residence except where the district of residence is directly included in an enrollment options strategy included in an approved achievement and integration program; or
6. previous disciplinary proceedings involving the student. This shall not preclude the school district from proceeding with exclusion as set out in Section F. of this policy.

**DC. Application**

The student and parent or guardian must complete and submit the "General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education" (or the Statewide Enrollment Options Application for State-funded Voluntary Prekindergarten (VPK) or School Readiness Plus (SRP) Application if applicable) ~~a School District Enrollment Options Program application~~ developed by the Minnesota Department of Education and available on their website (education.mn.gov). Go to "Students and Families," then, under "School Choice," select "Open Enrollment." The form is entitled, "General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education."

The school district may require a nonresident student enrolled in a program under Minnesota Statutes, section 125A.13, or in a preschool program, except for a program under Minnesota Statutes, section 124D.151 or Laws 2017, First Special Session chapter 5, article 8, section 9, to follow the application procedures under this subdivision to enroll in kindergarten. A district must allow a nonresident student enrolled in a program under Minnesota Statutes, section 124D.151 or Laws 2017, First Special Session chapter 5, article 8, section 9, to remain enrolled in the district when the student enters kindergarten without submitting annual or periodic applications, unless the district terminates the student's enrollment under subdivision 12.

The school district shall notify the parent or guardian in writing by February 15 or within ninety (90) days for applications submitted after January 15 in the case of achievement and integration district transfers whether the application has been accepted or rejected. If an application is rejected, the district must state in the notification the reason for rejection. The parent or guardian must notify the nonresident district by March 1 or within ten (10) business days whether the pupil intends to enroll in the nonresident district.

**ED. Lotteries.**

If a school district has more applications than available seats at a specific grade level,

it must hold an impartial lottery following the January 15 deadline to determine which students will receive seats. The district must give priority to enrolling siblings of currently enrolled students, students whose applications are related to an approved integration and achievement plan, children of the school district's staff, and students residing in that part of a municipality (a statutory or home rule charter city or town) where:

1. the student's resident district does not operate a school building;
2. the municipality is located partially or fully within the boundaries of at least five school districts;
3. the nonresident district in which the student seeks to enroll operates one or more school buildings within the municipality; and
4. no other nonresident, independent, special, or common school district operates a school building within the municipality.

The process for the school district lottery must be established by school board policy and posted on the school district's website.

#### **FE. Exclusion**

1. Administrator's initial determination. If a school district administrator knows or has reason to believe that an applicant has engaged in conduct that has subjected or could subject the applicant to expulsion or exclusion under law or school district policy, the administrator will transmit the application to the superintendent with a recommendation of whether exclusion proceedings should be initiated.
2. Superintendent's review. The superintendent may make further inquiries. If the superintendent determines that the applicant should be admitted, he or she will notify the applicant and the school board chair. If the superintendent determines that the applicant should be excluded, the superintendent will notify the applicant and determine whether the applicant wishes to continue the application process. Although an application may not be rejected based on previous disciplinary proceedings, the school district reserves the right to initiate exclusion procedures pursuant to the Minnesota Pupil Fair Dismissal Act as warranted on a case-by-case basis.

#### **GF. Termination of Enrollment**

The school district may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to ~~Minn. Stat. §~~Minnesota Statutes section 124D.03 or 124D.08 at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy under Minnesota Statutes chapter~~Minn. Ch.~~ 260A, and the student's case has been referred to juvenile court. A "habitual truant" is a child under 17 years of age who is absent from attendance at school without lawful excuse for seven school days in a school year if the child is in elementary school or for one or more class periods on seven school days in a school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days in a school year and who has not lawfully withdrawn from school under ~~Minn. Stat. §~~Minnesota Statutes section 120A.22, ~~Subdivision-~~ 8. The school district may also terminate the enrollment of a nonresident student over 17 years of age if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school

under ~~Minn. Stat. § Minnesota Statutes section~~ 120A.22, ~~Subd. subdivision~~ 8.

A student who has not applied for and been accepted for open enrollment pursuant to this policy and does not otherwise meet the residency requirements for enrollment may be terminated from enrollment and removed from school. Prior to removal from school, the school district will send to the student's parents a written notice of the school district's belief that the student is not a resident of the school district. The notice shall include the facts upon which the belief is based and notice to the parents of their opportunity to provide documentary evidence, in person or in writing, of residency to the superintendent or the superintendent's designee. The superintendent or the superintendent's designee will make the final determination as to the residency status of the student.

Notwithstanding the requirement that an application must be approved by the board of the nonresident district, a student who has been enrolled in a district, who is identified as homeless, and whose parent or legal guardian moves to another district, or who is placed in foster care in another school district, may continue to enroll in the nonresident district without the approval of the board of the nonresident district. The approval of the board of the student's resident district is not required.

**Legal References:** Minn. Stat. § 120A.22, Subd. 3(e) ~~and Subd. 8 (Compulsory Instruction Residency Determined)~~  
~~Minn. Stat. § 120A.22, Subd. 8 (Withdrawal from School)~~  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.08 (School Board Approval to Enroll in Nonresident District; ~~Exceptions~~)  
Minn. Stat. § 124D.68 (~~High School~~ Graduation Incentives Program)  
Minn. ~~Stat.~~ Ch. 260A (Truancy)  
Minn. Stat. § 260C.007, Subd. 19 (~~Habitual Truant-Defined Definitions~~)  
Minn. Op. Atty. Gen. 169-f (Aug. 13, 1986)  
*Indep. Sch. Dist. No. 623 v. Minn. Dept. of Educ.*, Co. No. A05-361, 2005 WL 3111963 (Minn. Ct. App. 2005) (unpublished)  
~~18 U.S.C. 930, para. (g)(2) (Definition of weapon)~~

**Cross References:** MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 517 (Student Recruiting)

Policy Adopted: March 8, 1971

Revised July 8, 1996, revised June 2003, revised July 2006, reviewed November 2013, reviewed May 2016, reviewed October 2017, revised February 2020, revised July 2023

Independent School District 110

Waconia, MN

~~MSBA Service Manual, Chapter 5, Various Educational Programs~~

7.C.10. 514 Bullying Prohibition Policy

## 514 BULLYING PROHIBITION POLICY

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

### I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

### II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited:
1. on school premises, ~~on school district property,~~ at school functions or activities, ~~or on school transportation;~~
  2. by the use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
  3. by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.
- B. A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the policy provisions applicable to the public school students participating in the activity.
- C. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources. **This policy also applies to sexual exploitation.**
- D. **Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota**

Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.

Malicious and sadistic conduct and sexual exploitation by a school district or school staff member, independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs as described in Article II.A above is prohibited.

- E. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- F. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- G. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- H. False accusations or reports of bullying against another student are prohibited.
- I. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy (See MSBA/MASA Model Policy 506). The school district may take into account the following factors:
  - 1. The developmental ages and maturity levels of the parties involved;
  - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
  - 3. Past incidences or past or continuing patterns of behavior;
  - 4. The relationship between the parties involved; and
  - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The school district shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the school district, and foster student, parent, and community participation.

Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.

- J. The school district will act to investigate all complaints of bullying reported to the school district and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

### **III. DEFINITIONS**

For purposes of this policy, the definitions included in this section apply.

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
  2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

The term, "bullying," specifically includes cyberbullying **malicious and sadistic conduct as defined in this policy, and sexual exploitation.**

- B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
  2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
  3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. **"Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.**
- F. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or

events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

- G. "Prohibited conduct" means bullying, or cyberbullying as defined in this policy, **malicious and sadistic conduct, sexual exploitation** or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about **prohibited conduct.** ~~bullying.~~
- H. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- I. "Student" means a student enrolled in a public school or a charter school.

#### **IV. REPORTING PROCEDURE**

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the school district office, but oral reports shall be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the

responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.

- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

## **V. SCHOOL DISTRICT ACTION**

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, 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. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy (See MSBA/MASA Model Policy 506) and other applicable school district policies; and applicable regulations.
- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

## **VI. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy.

## **VII. TRAINING AND EDUCATION**

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. The school district shall require ongoing professional development, consistent with Minnesota Statutes section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
  - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
  - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
  - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
  - 4. The incidence and nature of cyberbullying; and
  - 5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction

and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;
  2. Partner with parents and other community members to develop and implement prevention and intervention programs;
  3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
  4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
  5. Teach students to advocate for themselves and others;
  6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
  7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy (See MSBA/MASA Model Policy 515) in the student handbook.

## **VIII. NOTICE**

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy ~~or a summary thereof~~ must be conspicuously posted **throughout each school building**, in the administrative offices of the school district and **in** the office of each school.
- C. This policy must be **distributed** ~~given~~ to each **school district or** school employee and independent contractor **at the time of hiring or contracting**. ~~who regularly interacts with students at the time of initial employment with the school district.~~
- D. Notice of the rights and responsibilities of students and their parents under this policy

must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.

- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. **Each school must develop a process for discussing this policy with students, parents of students, independent contractors, and school employees.**
- G. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

## **IX. POLICY REVIEW**

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minn. Stat. § 121A.031 and 121A.0312 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definitions)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03 (Model Policy)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
**Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)**  
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. Ch. 124E (Charter Schools)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

**Cross References:** 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 423 (Employee-Student Relationships)  
MSBA/MASA Model Policy 501 (School Weapons Policy)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Policy Adopted: September 2005  
Policy Revised: Dec. 13, 2010 / Sept. 22, 2014 / June 2022  
Policy Reviewed: May 2016 / June 2017/ April 2021

Independent Schools District No. 110  
Waconia, MN 55387

7.C.11. 515 Protection and Privacy of Pupil  
Records

## 515 PROTECTION AND PRIVACY OF PUPIL RECORDS

(w/MSBA redlines 8/8/23)

### I. PURPOSE

The school district recognizes its responsibility in regard to the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

### II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 United States Code section 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 Code of Federal Regulations part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and Minnesota Rules parts 1205.0100-1205.2000.

### III. DEFINITIONS

#### A. Authorized Representative

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

#### B. Biometric Record

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

#### C. Dates of Attendance

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

#### D. Directory Information

1. "Directory information," **under federal law**, means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes , the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status (i.e., full-time or part-time); participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s). Directory

information does not include:

- a. a student's social security number;
  - b. a student's identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
  - c. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;
  - d. personally identifiable data which references religion, race, color, social position, or nationality; or
  - e. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or guardian.
2. Under Minnesota law, a school district may not designate a student's home address, telephone number, email address, or other personal contact information as "directory information."

***[Note: The federal definition includes all of the types of information specifically referenced by state and or federal law as directory information. The federal definition applies to information requests by military recruiting officers, as set out in Article XI below.]***

***The Minnesota definition imposes additional restrictions upon the types of information that may be designated as directory information.***

***A school district may choose not to designate some or all of the enumerated information as directory information. A school district also may add to the list of directory information, as long as the added data is not information that generally would be deemed as an invasion of privacy or information that references the student's religion, race, color, social position, or nationality. Federal law now allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. The identity of those parties and/or purposes should be identified. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. Designation of directory information is an important policy decision for the local school board who must balance not only the privacy interests of the student against public disclosure but also the additional administrative requirements such restrictions on disclosures will place on the school district.]***

E. Education Records

1. What constitutes "education records." Education records means those records that are: (1) directly related to a student; and (2) maintained by the school district or by a party acting for the school district.
2. What does not constitute education records. The term "education records" does not include:
  - a. Records of instructional personnel that are:
    - (1) kept in the sole possession of the maker of the record;
    - (2) used only as a personal memory aid;
    - (3) not accessible or revealed to any other individual except a temporary substitute teacher; and
    - (4) destroyed at the end of the school year.
  - b. Records of a law enforcement unit of the school district, provided education records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
    - (1) maintained separately from education records;
    - (2) maintained solely for law enforcement purposes; and
    - (3) disclosed only to law enforcement officials of the same jurisdiction.
  - c. Records relating to an individual, including a student, who is employed by the school district which:
    - (1) are made and maintained in the normal course of business;
    - (2) relate exclusively to the individual in that individual's capacity as an employee; and
    - (3) are not available for use for any other purpose.

However, records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student are education records.
  - d. Records relating to an eligible student, or a student attending an institution of post-secondary education, that are:
    - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
    - (2) made, maintained, or used only in connection with the provision of treatment to the student; and
    - (3) disclosed only to individuals providing the treatment; provided

that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.

- e. Records created or received by the school district after an individual is no longer a student at the school district and that are not directly related to the individual's attendance as a student.
- f. Grades on peer-related papers before the papers are collected and recorded by a teacher.

F. Education Support Services Data

"Education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under Minnesota Statutes section 13.46.

Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to Minnesota Statutes section 13.05 or a court order.

G. Eligible Student

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

H. Juvenile Justice System

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

I. Legitimate Educational Interest

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

1. Perform an administrative task required in the school or employee's contract or position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student's education;
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid; or
4. Perform a task directly related to responding to a request for data.

J. Parent

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order

governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

K. Personally Identifiable

"Personally identifiable" means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number or biometric record; (e) other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

L. Record

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

M. Responsible Authority

"Responsible authority" means *[designate title and actual name of individual]*.

N. Student

"Student" includes any individual who is or has been in attendance, enrolled, or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district and individuals who receive shared time educational services from the school district.

O. School Official

"School official" includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

***[Note: School districts may wish to reference police liaison officers in the definition of a "school official." Depending on the circumstances of the relationship, this may be added in subpart (d) of the definition or in a new subpart (e). Caution should be used to ensure that police liaison officers are considered "school officials" only when performing duties as a police liaison officer and that they are trained as to their obligations pursuant to this policy. Consultation with the school district's legal counsel is recommended.]***

P. Summary Data

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

Q. Other Terms and Phrases

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

**IV. GENERAL CLASSIFICATION**

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

**V. STATEMENT OF RIGHTS**

A. Rights of Parents and Eligible Students

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

1. The right to inspect and review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI. of this policy.

B. Eligible Students

All rights and protections given to parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 Code of Federal Regulations section 99.31(a).

C. Students with a Disability

The school district shall follow 34 Code of Federal Regulations sections 300.610-300.617 with regard to the privacy, notice, access, recordkeeping, and accuracy of information

related to students with a disability.

## **VI. DISCLOSURE OF EDUCATION RECORDS**

### **A. Consent Required for Disclosure**

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
  - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
  - a. identifies and authenticates a particular person as the source of the electronic consent; and
  - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
  - a. in plain language;
  - b. dated;
  - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
  - d. specific as to the nature of the information the subject is authorizing to be disclosed;
  - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;

- f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
- g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minnesota Statutes ~~c~~Chapter 256B or Minnesota Care under Minnesota Statutes ~~c~~Chapter 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Section V. of this policy.

B. Prior Consent for Disclosure Not Required

The school district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

- 1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
- 2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the school district would otherwise use employees;
  - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made;
- 3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 United States Code section 7917, *[insert the following if the school district has a policy regarding Staff Notification of Violent Behavior by Students]* and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes section 260B.171, unless the data are required to be destroyed under Minnesota Statutes section 120A.22, subdivision 7(c) or section 121A.75. On request, the school district

will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;

4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

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

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

than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

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

of the student or other individuals;

13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minnesota Statutes section 260B.171, subdivision 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or

progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;

20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minnesota Statutes section 260B.171, subdivision 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

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

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance

measurements; or

22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

C. Nonpublic School Students

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

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

**VII. RELEASE OF DIRECTORY INFORMATION**

A. Classification Educational Data

1. Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:
  - a. Minnesota Statutes, section 13.32, subdivision 5; and
  - b. United States Code, title 20, section 1232g, and Code of Federal Regulations, title 34, section 99.37, which were in effect on January 3, 2012.
2. The school district may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under this section.
3. When requested, the school district must share personal contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

***[Note: This section became effective on the day following final enactment (May 19, 2023). Beginning on the effective date, a student's personal contact information subject to this section must be treated as private educational data under Minnesota Statutes, section 13.32, regardless of whether that contact***

**information was previously designated as directory information under Minnesota Statutes, section 13.32, subdivision 5].**

Directory information is public except as provided herein.

B. Former Students

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, the school district may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an "education record," the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student (e.g., a student's activities as an alumnus of the school district).

C. Present Students and Parents

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

1. **When conducting the directory information designation and notice process required by federal law, the school district shall give parents and students notice of the right to refuse to let the district designate specified data about the student as directory information.**
2. **The school district shall** ~~Annually~~ give annual public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
  - b. the parent's or eligible student's right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.

***[Note: Federal law allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the school district chooses to impose these limitations, it is advisable to add a new paragraph VII.C.1.d. that specifies that disclosures of directory information will be limited to specific parties and/or for specific purposes and identify those parties and/or purposes. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. This is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure, but also the additional administrative requirements such restrictions will place on the school district.]***

23. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section VI. of this policy.
34. A parent or eligible student may not opt out of the directory information disclosures to:
  - a. prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
  - b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
45. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

## **VIII. DISCLOSURE OF PRIVATE RECORDS**

A. Private Records

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

B. Private Records Not Accessible to Parent

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

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
  - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
  - b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
  - c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
  - d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
  - e. whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes sections 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

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

D. Military-Connected Youth Identifier

When a school district updates its enrollment forms in the ordinary course of business, the school district must include a box on the enrollment form to allow students to self-identify as a military-connected youth. For purposes of this section, a "military-connected youth" means having an immediate family member, including a parent or sibling, who is currently in the armed forces either as a reservist or on active duty or has recently retired from the armed forces. Data collected under this provision is private data on individuals, but summary data may be published by the Department of Education.

**IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

A. Confidential Records

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

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minnesota Statutes Chapter 260E , written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes Chapter 260E.

Regardless of whether a written report is made under Minnesota Statutes Chapter 260E, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

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

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minnesota Statutes section 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.

5. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

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

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

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

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

- A. The school district will release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by the school district, if available, that may be released to military recruiting officers only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
  1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military;
  2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces; and
  3. copying fees shall not be imposed.
- C. A parent or eligible student has the right to refuse the release of the name, address, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority [*designate title of individual, i.e., building principal*] in writing by [*date*] each year. The written request must include the following information:
  1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;

5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, home phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisclosure**

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

### **B. Redisclosure Not Prohibited**

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

***[Note: 42 United States Code section § 14071 was repealed. School districts should retain this statutory reference, however, as it remains***

***a reference in FERPA and the Minnesota Government Data Practices Act and still may apply to individuals required to register prior to the repeal of this law.]***

C. Classification of Disclosed Data

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

D. Notification

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 Code of Federal Regulations section 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in section 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

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

A. Responsible Authority

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

B. Record Security

The principal of each school subject to the supervision and control of the responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

The building principal shall submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan shall contain the following information:

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

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy, and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a

part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record, with the education records of the student, that indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 Code of Federal Regulations section 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18<sup>U.S.C.</sup> United States Code section 2332b(g)(5)(B) or an act of domestic or international terrorism.
4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the

custody of the records; and

- c. the parties authorized by law to audit the record-keeping procedures of the school district.
5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom the school district disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

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

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

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

B. Response to Request for Access

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

C. Right to Inspect and Review

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

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

D. Form of Request

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

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

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

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy

rights of the student may request that the school district amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.
2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

**B. Right to a Hearing**

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

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

**C. Conduct of Hearing**

1. The hearing shall be held within a reasonable period of time after the school district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary

matters.

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

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minnesota Statutes chapter 14 relating to contested cases.

**XVI. PROBLEMS ACCESSING DATA**

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

**XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the U.S. Department of Education, Student Privacy Policy Office, 400 Maryland Avenue S.W., Washington, D.C. 20202-8520.

B. Content of Complaint

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

**XVIII. WAIVER**

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

**XIX. ANNUAL NOTIFICATION OF RIGHTS**

A. Contents of Notice

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

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

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

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

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

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

**XX. DESTRUCTION AND RETENTION OF RECORDS**

Destruction and retention of records by the school district shall be controlled by state and federal law.

**XXI. COPIES OF POLICY**

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

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.32, Subd. 5 (Directory Information)  
Minn. Stat. § 13.393 (Attorneys)  
Minn. Stat. Ch. 14 (Administrative Procedures Act)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.75 (Receipt of Records; Sharing)

Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)  
 Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)  
 Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)  
 Minn. Stat. Ch. 256L (MinnesotaCare)  
 Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)  
 Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
 Minn. Stat. § 363A.42 (Public Records; Accessibility)  
 Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
 Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
 10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)  
 18 U.S.C. § 2331 (Definitions)  
 18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)  
 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
 20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)  
 20 U.S.C. § 7908 (Armed Forces Recruiting Information)  
 20 U.S.C. § 7917 (Transfer of School Disciplinary Records)  
 25 U.S.C. § 5304 (Definitions – Tribal Organization)  
 26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
 42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)  
 42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)  
 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
 34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
 42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)  
*Gonzaga University v. Doe*, 536 U.S. 273 309 (2002)  
 Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

**Cross References:** MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
 MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
 MSBA/MASA Model Policy 506 (Student Discipline)  
 MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)  
 MSBA/MASA Model Policy 520 (Student Surveys)  
 MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
 MSBA/MASA Model Policy 722 (Public Data Requests)  
 MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)  
 MSBA School Law Bulletin "I" (School Records – Privacy – Access to Data)

Policy Adopted: December 19, 2005  
 Revised: May 10, 2010 / Nov 2013 / Nov 2020 / June 2023  
 Independent School District No. 110 Waconia, MN

7.C.12. 516.5 Overdose Medication (New)

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

MSBA/MASA Model Policy 516.5

Orig. 2023

Revised:

Rev: June 2023

## 516.5 OVERDOSE MEDICATION

***[Note: The 2023 Minnesota legislature enacted legislation requiring school districts to maintain a supply of opiate antagonists. School districts and their employees are legally permitted to purchase, store, and administer Naloxone (Narcan) in response to an opiate overdose in schools and those who do assist with such administration are immune from civil liability as well as exempt from criminal prosecution from possession, use, etc. of medication. The provisions of this policy outline the requirements of the law with respect to the use of Naloxone (Narcan) in schools.]***

### I. PURPOSE

As a means of enhancing the health and safety of its students, staff and visitors, the school district will acquire, administer, and store doses of an opiate antagonist, specifically Naloxone (Narcan)<sup>1</sup>, and administration devices or kits for emergency use to assist a student, staff member, or other individual believed or suspected to be experiencing an opioid overdose on school district property during the school day. or at school district activities.

Commented [1]: See comment on V. A

### II. GENERAL STATEMENT OF POLICY

The school board authorizes school district administration to obtain and possess opioid overdose reversal medication, such as Naloxone, to be maintained and administered to a student or other individual by trained school staff if the staff member determines in good faith that the person to whom the medication is administered is experiencing an opioid overdose. Authorization for obtaining, possessing and administering Naloxone or similar permissible medications under this policy are contingent upon: 1) the continued validity of state and federal law that permit a person who is not a healthcare professional to dispense an opiate antagonist to the school district and its employees by law; 2) that the school district and its staff are immune from criminal prosecution and not otherwise liable for civil damages for administering the opiate antagonist to another person who the staff member believes in good faith to be suffering from a drug overdose; and 3) the availability of funding either from outside sources or as approved by the school board to obtain and administer opioid overdose reversal medication.

### III. DEFINITIONS

- A. **"Drug-related overdose"** means an acute condition, including mania, hysteria, extreme physical illness, respiratory depression or coma, resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires immediate medical assistance.
- B. **"Naloxone Coordinator"** is a school district staff person or administrator appointed to monitor adherence to protocols outlined in this policy and referenced procedures. The Naloxone Coordinator is responsible for building-level administration and management of Opiate Antagonist medications and supplies. The school district's Naloxone Coordinator is the District Health Services Manager.
- C. **"Opiate"** means any dangerous substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having such addiction forming or addiction sustaining liability.

<sup>1</sup> Naloxone is the medication that reverses an opioid overdose. Narcan® is the brand name for the intranasal applicator (nasal spray) form of naloxone. Naloxone usually refers to an intermuscular (IN+M) naloxone form that comes in a vial and is administered with a syringe, normally dispensed as an "IM kit."

- D. **“Opiate Antagonist”** means naloxone hydrochloride (“Naloxone”) or any similarly acting drug approved by the federal Food and Drug Administration for the treatment of a drug overdose.
- E. **“Standing Order”** means directions from the school district’s medical provider that sets forth how to house and administer Naloxone or other Opiate Antagonist medications to students, staff members or other individuals believed or suspected to be experiencing an opioid overdose. This Standing Order should include the following information:
  - 1. Administration type
  - 2. Dosage
  - 3. Date of issuance
  - 4. Signature of the authorized provider

#### **IV. GENERAL STATEMENT OF POLICY AND RESPONSIBILITIES**

- A. The school district must maintain a supply of opiate antagonists at each school site to be administered in compliance with Minnesota law. Each school building must have two doses of nasal naloxone available on-site.
- B. A licensed physician, a licensed advanced practice registered nurse authorized to prescribe drugs pursuant to Minnesota Statutes, section 148.235, or a licensed physician assistant may authorize a nurse or other personnel employed by, or under contract with, a public school may be authorized to administer opiate antagonists as defined under Minnesota Statutes, section 604A.04, subdivision 1.
- C. A licensed practical nurse is authorized to possess and administer an opiate antagonist in a school setting notwithstanding Minnesota Statutes, 148.235, subdivisions 8 and 9.
- D. District Collaborative Planning and Implementation Team

To the extent Naloxone is obtained for use consistent with this policy, the school district will establish a district-wide collaborative planning and implementation team (“District Planning Team”) who will oversee the general development and operations related to the use of opiate antagonist Naloxone and regularly report to the school board as to its activities.

- 1. The District Planning Team will include the Naloxone Coordinator and may include the superintendent (or designee), school nurse, public health experts, first responders, student or family representatives, and community partners who will be assigned to the team by the superintendent or designee or solicited as volunteers by the superintendent.
- 2. The District Planning Team, through the Naloxone Coordinator, will obtain a protocol or Standing Order from a licensed medical prescriber for the use of Naloxone or other Opiate Antagonist by school district staff in all school facilities and activities and will update or renew the protocol or Standing Order annually or as otherwise required. A copy of the protocol or Standing Order will be maintained in the office of the Naloxone Coordinator.
- 3. The District Planning Team will develop district-wide guidelines and procedures and determine the form(s) of Naloxone to be used within the school district (nasal, auto injector, manual injector) and the method and manner of arranging for the financing and purchasing, storage and use of Naloxone to be approved

by the school board. Once approved by the school board, these guidelines and procedures will be attached and incorporated into this policy. At a minimum, these guidelines and procedures will:

- a. Ensure that when Naloxone is administered, school district employees must activate the community emergency response system (911) to ensure additional medical support due to the limited temporary effect of Naloxone and the continued need of recipients of additional medical care;
- b. Require school district employees to contact a school district healthcare professional to obtain medical assistance for the recipient of the Naloxone, if possible, pending arrival of emergency personnel;
- c. Direct school district employees to make immediate attempts to determine if the recipient is a minor and, if so, locate the identity of the parent or guardian of the minor and ensure contact with that parent or guardian is made as soon as possible after administration of the Naloxone for the purpose of informing the parent or guardian of the actions that have been taken; and
- d. Require school district staff to inform the building administrator or other administrator overseeing an event or activity of the administration of Naloxone, as well as the Naloxone Coordinator, after taking necessary immediate emergency steps.

4. The District Planning Team will determine the type and method of annual training, identify staff members at each school site to be trained and coordinate the implementation of the training with the assistance of the Naloxone Coordinator.

#### E. Site Planning Teams

1. In consultation with the District Planning Team, the administrator at each school site may establish, in the manner the superintendent or Naloxone Coordinator deems appropriate, a Site Planning Team within the school site.
2. The Site Planning Team will be responsible for the coordination and implementation of this policy, district-wide guidelines and procedures within the school site and will develop and implement any specific guidelines and procedure for the storage and use of Naloxone within the school site in a manner consistent with this policy and district wide procedures and guidelines.

#### E. School District Staff

School district staff members will be responsible for attending all required training pertaining to the policy, procedures and guidelines for the storage and use of Naloxone and performing any assigned responsibilities pursuant to the guidelines and procedures.

### V. NALOXONE STORAGE

- A. The Site Planning Team will select Naloxone storage locations within the school site. Naloxone will not be sent on field trips, transportation or activities that occur outside of the typical school day or off school property. and outside the school site when activities are conducted off school grounds (i.e., transportation services, field trips, etc.).

***[Note: School districts may decide that Naloxone will not be sent on field trips, transportation or activities that occur outside of the typical school day or off school property and may modify this statement accordingly. If Naloxone is provided during these auxiliary activities, schools should ensure that it is only***

**Commented [2]:** ISD 110 Naloxone Emergency Response Procedure and Condition Specific Protocol - DRAFT, waiting on final approval from Haugland

[https://docs.google.com/document/d/1kh7dvAIs853LIP2k\\_dh4CGAxyhCyYVdE/edit?usp=drive\\_link&ouid=112053035893767311906&rtpof=true&sd=true](https://docs.google.com/document/d/1kh7dvAIs853LIP2k_dh4CGAxyhCyYVdE/edit?usp=drive_link&ouid=112053035893767311906&rtpof=true&sd=true)

***provided if there is an available trained staff member to administer it and that the medication can be safely and legally stored and transported.]***

- B. The selected storage locations of Naloxone will be classified as non-public "security information" as the school board has determined that the disclosure of this data to the general public would be likely to substantially jeopardize the security of the medication that could be subject to theft, tampering, and improper use. Therefore, the identity of the storage locations will be shared only with those school district staff members whom the District Planning Team or Site Team have determined need access to this information to aid public health and safety as determined in the procedures and guidelines.
- C. Stock Naloxone will be clearly labeled, monitored for expiration dates, and stored in a secured location that is accessible by trained staff as set forth in paragraph V.B.

**Commented [3]:** Recommend not sending offsite. Unable to send on all field trips, and also complicates training requirements and responsibility/liability of the district

## **VI. Privacy Protections**

The school district will maintain the privacy of students and staff related to the administration of Naloxone as required by law.

**Legal References:** Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 13.43 (Personnel Data)  
Minn. Stat. § 13.37 (General Nonpublic Data)  
Minn. Stat. § 121A.21 (School Health Services)  
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)  
[Minn. Stat. § 121A.224 \(Opiate Antagonists\)](#)  
Minn. Stat. § 144.344 (Emergency Treatment)  
[Minn. Stat. § 148.235 \(Prescribing Drugs and Therapeutic Devices\)](#)  
Minn. Stat. § 151.37 (Legend Drugs; Who May Prescribe, Possess)  
Minn. Stat. § 152.01 (Definitions)  
Minn. Stat. § 152.02 (Schedules of Controlled Substances)  
[Minn. Stat. § 152.212 \(Labeling of Prescription Drug Containers\)](#)  
Minn. Stat. § 604A.01 (Good Samaritan Law)  
Minn. Stat. § 604A.015 (School Bus Driver Immunity from Liability)  
Minn. Stat. § 604A.04 (Good Samaritan Overdose Prevention)  
Minn. Stat. § 604A.05 (Good Samaritan Overdose Medical Assistance)  
Minn. R. Pt. 6800.4220 (Schedule II Controlled Substances)  
20 U.S.C. § 1232g (Family Educational and Privacy Rights)

**Cross Reference:** MSBA/MASA Model Policy 516 (Student Medication)  
Minnesota Department of Health Toolkit on the Administration of Naloxone

7.C.13. 522 Title IX Sex Nondiscrimination  
Policy, Grievance Procedure and Process

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

MSBA/MASA Model Policy 522

Orig. 1995

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

Rev. 2022

## 522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

~~*[Note: On May 6, 2020, the U.S. Department of Education, Office for Civil Rights (OCR), released the long-awaited final rule amending Title IX regulations at 34 Code of Federal Regulations, F.R. Part 106. These regulations, which went into effect on August 14, 2020, are the first Title IX regulations applicable to sexual harassment and are applicable to complaints by both school district students and employees. The extensive regulations will require districts to revise their policies and procedures with respect to sexual harassment and ensure that administration and staff are trained on the new requirements.*~~

~~*The final rule requires school districts to provide notice of its nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the school district will respond to the following groups: applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the school district. 34 Code of Federal Regulations section C.F.R. 106.8(b). The provisions of this policy generally conform to the requirements of the new regulations.]*~~

### I. GENERAL STATEMENT OF POLICY

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

~~**[INSERT: NAME(S) TITLE(S) PHONE NUMBER(S) OFFICE ADDRESS(ES) EMAIL ADDRESS(ES)]**~~

**Dr. Enid Schonewise, Director of Human Resources, (952) 442-0600, District Office 512 Industrial Blvd, Waconia, MN, [eschonewise@isd110.org](mailto:eschonewise@isd110.org)**

Questions relating solely to Title IX and its regulations may be referred to the Title IX

Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

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

## II. DEFINITIONS

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- E. "Education program or activity" means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- F. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.
  - 1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
  - 2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- G. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- H. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and

are offered to prove consent.

- I. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- J. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- K. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
  - 1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
  - 2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
  - 3. Any instance of sexual assault (as defined in the Clery Act, 20 [United States Code section U.S.C. 1092\(f\)\(6\)A\(v\)](#)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 [United States Code section U.S.C. 12291](#)).
- L. "Supportive measures" means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under [Minnesota Statutes section Minn. Stat. 121A.41](#), as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.
- M. "Title IX Personnel" means any person who addresses, works on, or assists with the school district's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
  - 1. "Title IX Coordinator" means an employee of the school district that coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
  - 2. "Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.

3. "Decision-maker" means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
4. "Appellate Decision-maker" means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.
5. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

~~***[NOTE: It is recommended that school districts designate a primary Title IX Coordinator and at least one alternate Title IX Coordinator so that the alternate can undertake Title IX Coordinator responsibilities in the event the primary Title IX Coordinator is a party to a complaint or is otherwise not qualified under this policy to serve in that role in a particular case.]***~~

### **III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS**

#### **A. Equitable Treatment**

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

#### **B. Objective and Unbiased Evaluation of Complaints**

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

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

D. Confidentiality

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

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

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

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

F. Notice

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

G. Consolidation

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

H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure

of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

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

J. Timelines

**~~[NOTE: The Title IX regulations require reasonably prompt timeframes for conclusion of the grievance process, but do not specify any particular timeframes. The time periods below are suggested. School districts may establish their own district-specific timeline, although it is recommended that legal counsel be consulted before adjusting time periods.]~~**

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.
4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the School District.
5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning,

suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.

2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

#### **IV. REPORTING PROHIBITED CONDUCT**

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

#### **V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR**

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district’s ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant’s wishes is not clearly unreasonable in light of the known circumstances.

- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
  2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
  4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
  5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
  6. A copy of this policy.

## VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

### A. Emergency Removal of a Student

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

**~~[NOTE: The interrelationship between the Title IX regulations authorizing the emergency removal of student and the Minnesota Pupil Fair Dismissal Act (MPFDA) is unclear at this time. School districts should consult with legal counsel regarding the emergency removal of a student. At a minimum, it is recommended that school districts provide alternative~~**

***educational services, as defined in the MPFDA, to any student so removed under the Title IX regulations.}]***

B. Employee Administrative Leave

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

**VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT**

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

**VIII. DISMISSAL OF A FORMAL COMPLAINT**

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
  - 1. Would not meet the definition of sexual harassment, even if proven;
  - 2. Did not occur in the school district's education program or activity; or
  - 3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
  - 1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
  - 2. The respondent is no longer enrolled or employed by the school district; or
  - 3. Specific circumstances prevent the school district from gathering sufficient

evidence to reach a determination.

- C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

***[NOTE: For example, school districts are reminded of the obligation under Minnesota Statutes section ~~Minn.-Stat. 122A.20, subdivisionsubd. 2~~, to make a mandatory report to the Minnesota Professional Educator Licensing and Standards Board concerning any teacher who resigns during the course of an investigation of misconduct.]***

#### **IX. INVESTIGATION OF A FORMAL COMPLAINT**

- A. If a formal complaint is received by the School District, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.
- B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.
- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.
- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
- F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

#### **X. DETERMINATION REGARDING RESPONSIBILITY**

***[NOTE: The Title IX regulations do not require school districts to conduct live hearings as part of the decision-making phase of the grievance process. Accordingly, this Policy does not include procedures for a live hearing. If a school district desires to create such procedures, legal counsel should be consulted.]***

- A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.
- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
  - 1. Identification of the allegations potentially constituting sexual harassment;
  - 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
  - 3. Findings of fact supporting the determination;
  - 4. Conclusions regarding the application of the school district's code of conduct to the facts;
  - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the complainant; and
  - 6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## **XI. APPEALS**

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
  2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
  3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

## **XII. RETALIATION PROHIBITED**

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

## **XIII. TRAINING**

- A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:
1. The Title IX definition of sexual harassment;

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

#### **XIV. DISSEMINATION OF POLICY**

- A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
  2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
  3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
  4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

#### **XV. RECORDKEEPING**

***[NOTE: ~~School districts should consider amending their respective retention schedules to reflect the recordkeeping requirements discussed below.~~***

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

**Legal References:**

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

**Cross References:**

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

7.C.14. 532 Use of Peace Officers and Crisis  
Teams

**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

1. 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.
2. 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:
  - a. Corporal punishment prohibited by Minnesota Statutes section 121A.58;
  - b. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
  - c. Totally or partially restricting a child's senses as punishment;
  - d. 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;
  - e. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes Chapter 260E;
  - f. 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;
  - g. Withholding regularly scheduled meals or water; and/or
  - h. Denying a child access to toilet facilities.
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

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, Subdivision. 5, and otherwise comply with the requirements of section § 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)  
Minn. Stat. § 121A.67 (Removal by Police Officer)  
Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)  
Minn. Stat. § 609.06 (Authorized Use of Force)  
Minn. Stat. § 609.379 (Permitted Actions)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))  
20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Act )  
34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

**Cross References:**

MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)

Policy Adopted: April 2006 / August 2015 / revised May 2023  
Independent School District No. 110  
Waconia, MN

7.C.15. 534 School Meals Policy

## 534 SCHOOL MEALS POLICY

*[Note: In 2021, the Minnesota legislature amended Minnesota Statutes, section 124D.111, that ~~now states~~ to require that Minnesota school districts that participate in the national school lunch program must adopt a school meals policy. In 2023, the Minnesota legislature amended the statute to create the free school meals program].*

*[Note: This MSBA/MASA model policy is drafted to be consistent for all grade levels. However, local school districts may vary the meal charge policy for elementary, middle, and high schools.]*

*[Note: School districts must follow appropriate debt collection practices when attempting to recover unpaid a la carte items or second meal charges.]*

### I. PURPOSE

The purpose of this policy is to ensure that students receive healthy and nutritious meals through the school district's nutrition program and that school district employees, families, and students have a shared understanding of expectations regarding meal charges. The policy of the school district is to provide meals to students in a respectful manner and to maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing the student. The policy seeks to allow students to receive the nutrition they need to stay focused during the school day and minimize identification of students with insufficient funds to pay for a la carte items or second school meals as well as to maintain the financial integrity of the school nutrition program.

### II. PAYMENT OF MEALS

- A. Students have use of a meal account. When the balance reaches zero, a student may charge no more than \$25.00 to this account. When an account reaches this limit, a student shall not be allowed to charge further second meals or a la carte items until the negative account balance is paid. Families may add money to students' accounts by electronic payment, pat at the school office, or pay cashier.

*If the school district participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage below the federal percentage determined for all meals to be reimbursed at the free rate via the Community Eligibility Provision must participate in the free school meals program.*

- B. *A school that participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage at or above the federal percentage determined for all meals to be reimbursed at the free rate must participate in the federal Community Eligibility Provision in order to participate in the free school meals program.*
- C. *Each school that participates in the free school meals program must:*

(1) participate in the United States Department of Agriculture School Breakfast Program and the United States Department of Agriculture National School Lunch Program; and

(2) provide to all students at no cost up to two federally reimbursable meals per school day, with a maximum of one free breakfast and one free lunch.

~~If the school district receives school lunch aid under Minnesota Statute section 124D.111, it must make lunch available without charge to all participating students who qualify for free or reduced-price meals regardless of account balance.~~

~~C. A student with an outstanding meal charge debt will be allowed to purchase a meal if the student pays for the meal when it is received.~~

~~D. All students must be served a reimbursable meal even if the student has an outstanding debt.~~

**ED.** The school district may provide an alternate meal that meets federal and state requirements to a student who does not have sufficient funds in the student's account or cannot pay cash for a meal. The school district will accommodate special dietary needs with respect to alternate meals. The cost of the alternative meal \$0.00 will be charged to the student's account or otherwise charged to the student.

### **III. LOW OR NEGATIVE ACCOUNT BALANCES – NOTIFICATION**

A. The school district will make reasonable efforts to notify families when meal account balances are low or fall below zero.

B. Families will be notified of an outstanding negative balance once the negative balance reaches a set family preference. Families will be notified by calling, email, letters sent home.

C. Reminders for payment of outstanding student meal balances will not demean or stigmatize any student participating in the school lunch program.

#### IV. UNPAID MEAL CHARGES

- A. The school district will make reasonable efforts to communicate with families to resolve the matter of unpaid charges. Where appropriate, families may be encouraged to apply for free ~~and~~ or reduced-price meals for their children.
- B. The school district will make reasonable efforts to collect unpaid meal charges classified as delinquent debt. Unpaid meal charges are designated as delinquent debt when payment is overdue, the debt is considered collectable, and efforts are being made to collect it.
- C. The school district may not enlist the assistance of non-school district employees, such as volunteers, to engage in debt collection efforts.
- D. The school district will not impose any other restriction prohibited under Minnesota Statutes section 123B.37 due to unpaid student meal balances. The school district will not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.

#### V. COMMUNICATION OF POLICY

- A. This policy and any pertinent supporting information shall be provided in writing (i.e., mail, email, back-to-school packet, student handbook, etc.) to:
  - 1. all households at or before the start of each school year;
  - 2. students and families who transfer into the school district, at the time of enrollment; and
  - 3. all school district personnel who are responsible for enforcing this policy.
- B. The school district will post this policy on the school district's website, or the website of the organization where the meal is served, in addition to providing the required written notification described above.

**Legal References:** Minn. Stat. § 124D.111, Subd. 4  
 42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)  
 7 C.F.R. § 210 *et seq.* (School Lunch Program Regulations)  
 7 C.F.R. § 220.8 (School Breakfast Program Regulations)  
 USDA Policy Memorandum SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies (2016)  
 USDA Policy Memorandum SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments (2016)

534-4

USDA Policy Memorandum SP 23-2017, Unpaid Meal Charges:  
Guidance and Q&A

Minn. Op. Atty. Gen. 169j (May 14, 2019) (*Letter to Ricker*)

Policy Adopted: February 2020 / revised December 2021  
Waconia Public Schools ISD 110

7.C.16. 602 Organization of School Calendar and  
School Day

## 602 ORGANIZATION OF SCHOOL CALENDAR AND SCHOOL DAY

### I. PURPOSE

The purpose of this policy is to provide for a timely determination of the school calendar and school day.

### II. GENERAL STATEMENT OF POLICY

The school calendar and schedule of the school day are important to parents, students, employees, and the general public for advance, effective planning of the school year.

### III. CALENDAR RESPONSIBILITY

- A. The school calendar shall be adopted annually by the school board. It shall meet all provisions of Minnesota statutes pertaining to minimum number of school days and other provisions of law. The school calendar shall establish student days, workshop days for staff, provide for emergency closings and other information related to students, staff, and parents.

*[Note: The annual school calendar must include at least 425 hours of instruction for a kindergarten student without a disability, 935 hours of instruction for a student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not including summer school. The school calendar for all-day kindergarten must include at least 850 hours of instruction for the school year. If a voluntary prekindergarten program is offered by the school district, a prekindergarten student must receive at least 350 hours of instruction for the school year. A school board's annual calendar must include at least 165 days of instruction for a student in grades 1 through 11 unless a four-day week schedule has been approved by the Commissioner of Education under Minn. Stat. § 124D.126. A school board's annual school calendar may include plans for up to five days of instruction provided through online instruction due to inclement weather. The inclement weather plans must be developed according to Section V., below.]*

*[Note: To the extent the school board offers K-12 teachers the opportunity for more staff development training under Minn. Stat. § 122A.40, Subds. 7 and 7a, or Minn. Stat. § 122A.41, Subds. 4 and 4a, the school district shall adopt as its school calendar a total of 240 days of student instruction and staff development, of which the total number of staff development days equals the difference between the total number of days of student instruction and 240 days. The school board may schedule additional staff development days throughout the calendar year.]*

- B. Except for learning programs during summer and flexible learning year programs, the school district will not commence an elementary or secondary school year before Labor Day, except as provided in Section III.B.1., III.B.2., or III.B.3.

Days devoted to teacher's workshops may be held before Labor Day.

1. The school district may begin the school year on any day before Labor Day to accommodate a construction or remodeling project of \$400,000 or more affecting a school district school facility.
  2. The school district may begin the school year on any day before Labor Day if the school district has agreement under Minn. Stat. § 123A.30, § 123A.32, or § 123A.35 with a school district that qualifies under Section III.B.1.
  3. The school district may begin the school year on any day before Labor Day if the school district agrees to the same schedule with a school district in an adjoining state.
- C. Employee and advisory groups shall be provided an opportunity to participate in school calendar considerations through a meet and confer process.

***[Note: The provisions of the prior law requiring the school board to adopt the calendar for the next school year by April 1 have been repealed. The school board should still attempt to establish the calendar as early as possible so proper planning can take place by all members of the school community.]***

#### **IV. SCHOOL DAY RESPONSIBILITY**

- A. The superintendent shall be responsible for developing a schedule for the student day, subject to review by the school board. All requirements and provisions of Minnesota Statutes and Minnesota Department of Education Rules shall be met.
- B. In developing the student day schedule, the superintendent shall consider such factors as school bus schedules, cooperative programs, differences in time requirements at various grade levels, effective utilization of facilities, cost effectiveness, and other concerns deserving of attention.
- C. Proposed changes in the school day shall be subject to review and approval by the school board.

#### **V. E-LEARNING DAYS**

- A. An "e-learning day" is a school day where a school offers full access to online instruction provided by students' individual teachers due to inclement weather.
- B. A school district may designate up to five e-learning days in one school year.
- C. An e-learning day is counted as a day of instruction and included in the hours of instruction pursuant to Section III.A., above.

- D. **A school board may adopt an e-learning day plan after consulting with the exclusive representative of the teachers.** The e-learning day plan developed by the school district will include accommodations for students without Internet access at home and for digital device access for families without the technology or with an insufficient amount of technology for the number of children in the household. The plan must also provide accessible options for students with disabilities.
- E. The school district must notify parents and students of its e-learning day plan at the beginning of each school year.
- F. When an e-learning day is declared by the school district, notice must be provided to parents and students at least two hours prior to the normal school start time that students will need to follow the e-learning day plan for that day.
- G. On an e-learning day, each student's teacher must be accessible both online and by telephone during normal school hours to assist students and parents.
- H. **When the school district declares an e-learning day, it must continue to pay the full wages for scheduled work hours and benefits of all school employees for the duration of the e-learning period. During the e-learning period, school employees must be allowed to work from home to the extent practicable, be assigned to work in an alternative location, or be retained on an on-call basis for any potential need.**

**Legal References:** **Minn. Stat. § 10.55 (Juneteenth)**  
Minn. Stat. § 120A.40 (School Calendar)  
Minn. Stat. § 120A.41 (Length of School Year; Days of Instruction)  
Minn. Stat. § 120A.414 (E-Learning Days)  
Minn. Stat. § 120A.415 (Extended School Calendar)  
Minn. Stat. § 120A.42 (Holidays)  
Minn. Stat. § 122A.40, Subds. 7 and 7a (Employment; Contracts; Termination)  
Minn. Stat. § 122A.41, Subds. 4 and 4a (Teacher Tenure Act; Cities of the First Class; Definitions)  
Minn. Stat. § 123A.30 (Agreements for Secondary Education)  
Minn. Stat. § 123A.32 (Interdistrict Cooperation)  
Minn. Stat. § 123A.35 (Cooperation and Combination)  
Minn. Stat. § 124D.126 (Powers and Duties of Commissioner; Flexible Learning Year Programs)  
Minn. Stat. § 124D.151 (Voluntary Prekindergarten Program)  
Minn. Stat. § 124E.25 (Payment of Aids to Charter Schools)  
Minn. Stat. § 127A.41, Subd. 7 (Distribution of School Aids; Appropriation)  
**Minn. Stat. § 645.44 (Words and Phrases Defined)**

**Cross References:** MSBA/MASA Model Policy 425 (Staff Development)

Policy Adopted: January 2004

Revised: July 2012, July 2020

Independent School District No. 110  
Waconia, MN

7.C.17. 612.1 Development of Parental Involvement  
Policies for Title I Programs (3-year Cycle)

## **612.1 DEVELOPMENT OF PARENT AND FAMILY ENGAGEMENT POLICIES FOR TITLE I PROGRAMS**

*[Note: This policy reflects recent federal statutory changes made by the Every Student Succeeds Act (ESSA) which require school districts and schools to meet with parents and jointly develop parent and family engagement policies at both a district wide and school building level. This policy lists the required components of the parent and family engagement policies described herein and serves as a framework for their development. The policies and these components are mandatory in order for the school district to receive federal funds under this program.]*

### **I. PURPOSE**

The purpose of this policy is to encourage and facilitate involvement by parents of students participating in Title I in the educational programs and experiences of students. The policy shall provide the framework for organized, systematic, ongoing, informed, and timely parental involvement in relation to decisions about the Title I services within the school district. The involvement of parents by the school district shall be directed toward both public and private school children whose parents are school district residents or whose children attend school within the boundaries of the school district.

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

- A. The policy of the school district is to plan and implement, with meaningful consultation with parents of participating children, programs, activities, and procedures for the engagement of parents and families in its Title I programs.
- B. The policy of the school district is to fully comply with 20 U.S.C. § 6318 which requires the school district to develop jointly with, agree upon with, and distribute to parents of children participating in Title I programs written parent and family engagement policies.

### **III. DEVELOPMENT OF DISTRICT LEVEL POLICY**

The school board will direct the administration to develop jointly with, agree upon with, and distribute to parents and family members of participating children a written parent and family engagement policy that will be incorporated into the school district's Title I plan. The policy will establish the expectations for meaningful parent and family involvement and describe how the school district will:

- A. Involve parents and family members in the joint development of the school district's Title I plan and the development of support and improvement plans;
- B. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the school district in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and

philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

- C. Coordinate and integrate parent and family engagement strategies with similar strategies, to the extent feasible and appropriate, with other relevant federal, state, and local laws and programs;
- D. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of the schools served, including identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, disabled, have limited English proficiency, have limited literacy, or who are of a racial or ethnic minority background); the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and strategies to support successful school and family interactions;
- E. Use the findings of such evaluations to design evidence-based strategies for more effective parental involvement and to revise, if necessary, the district-level and school-level parent and family engagement policies; and
- F. Involve parents in the activities of the schools, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the school district to adequately represent the needs of the population served by the school district for the purposes of developing, revising, and reviewing the parent and family engagement policy.

#### **IV. DEVELOPMENT OF SCHOOL LEVEL POLICY**

The school board will direct the administration of each school to develop (or amend an existing parental involvement policy) jointly with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed upon by such parents and families, that shall describe the means for carrying out the federal requirements of parent and family engagement. Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

- A. The policy will describe the means by which each school with a Title I program will:
  - 1. Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation in Title I programs, and to explain to parents of participating children the program, its requirements, and their right to be involved;

2. Offer a flexible number of meetings, such as meetings in the morning or evening, and may provide with Title I funds transportation, child care, or home visits, as such services relate to parental involvement;
  3. Involve parents in an organized, ongoing, and timely way in the planning, review, and improvement of the parental involvement programs, including the planning, review, and improvement of the school parent and family engagement policy and the joint development of the school-wide program plan, except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children;
  4. Provide parents of participating children with: timely information about Title I programs; a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the challenging state academic standards; if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and
  5. If the school-wide program plan is not satisfactory to the parents of participating children, submit any parent's comments on the plan when it is submitted to the school district.
- B. As a component of this policy, each school shall jointly develop with parents a school/parent compact which outlines how parents, staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the state's high standards. The compact shall:
1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to meet state student academic achievement standards;
  2. Describe the ways each parent will be responsible for supporting his or her child's learning by volunteering in his or her child's classroom and participating, as appropriate, in decisions relating to his or her child's education and use of extracurricular time.
  3. Address the importance of communication between teachers and parents on an on-going basis through the use of:
    - a. Annual parent-teacher conferences to discuss the compact and the child's achievement;

- b. Frequent progress reports to the parents; and
  - c. Reasonable access to staff, opportunities to volunteer, participate in the child's class, and observe in the child's classroom.
  - d. Ensuring regular two-way, meaningful communication between family members and school staff and, to the extent practicable, in a language that family members can understand.
- C. To ensure effective involvement of parents and to support a partnership among the school, parents, and community to improve student academic achievement, the policy will describe how each school and the school district will:
- 1. Provide assistance to participating parents in understanding such topics as the state's academic content standards and state academic achievement standards, state and local academic assessments, Title I requirements, and how to monitor a child's progress and work with educators to improve the achievement of their children;
  - 2. Provide materials and training to assist parents in working with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;
  - 3. Educate school staff, with the assistance of parents, in the value and utility of contributions of parents and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and school;
  - 4. Coordinate and integrate parental involvement programs and activities with other federal, state, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children to the extent feasible and appropriate;
  - 5. Ensure, to the extent practicable, that information about school and parent meetings, programs, and activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand; and
  - 6. Provide such other reasonable support for parental involvement activities as requested by parents.
- D. The policy will also describe the process to be taken if the school district and school choose to:
- 1. Involve parents in the development of training for school staff to improve the effectiveness of such training;

2. Provide necessary literacy training with funds received under Title I programs if all other funding has been exhausted;
  3. Pay reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
  4. Train parents to enhance the involvement of other parents;
  5. Arrange meetings at a variety of times or conduct in-home conferences between teachers or other educators, who work directly with participating children, and parents who are unable to attend such conferences at school in order to maximize parental involvement and participation in school-related activities;
  6. Adopt and implement model approaches to improving parental involvement;
  7. Develop appropriate roles for community-based organizations and business in parental involvement activities; and
  8. Establish a district-wide parent advisory council to provide advice on all matters related to parental involvement in Title I programs.
- E. To carry out the requirements of parent and family engagement, the school district and schools, to the extent practicable, will provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports in a format and, to the extent practicable, in a language that is understandable by the parents.
- F. The school district and each school shall inform parents and parent organizations of the existence of family engagement in education programs.

The policies will be updated periodically to meet the changing needs of parents and the school.

***Legal References:*** 20 U.S.C. § 6318 (Parent and Family Engagement)

***Cross References:***

Policy Adopted: March 2004

Revised: Nov 2020

Independent School District No. 110

Waconia, MN

7.C.18. 613 Graduation Requirements

## **613 GRADUATION REQUIREMENTS**

***[Note: The requirements set forth in this policy govern the graduation standards that Minnesota public schools must require for a high school diploma for all students.]***

### **I. PURPOSE**

The purpose of this policy is to set forth requirements for graduation from the school district.

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

The policy of the school district is that all students must demonstrate, as determined by the school district, their satisfactory completion of the credit requirements and their understanding of academic standards. The school district must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule.

### **III. DEFINITIONS**

- A. "Academic standard" means: (1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, and the arts, and (2) a locally adopted expectation for student learning in health.
- B. "Credit" means a student's successful completion of an academic course or a student's mastery of the applicable subject matter, as determined by the school district.
- C. "Section 504 Accommodation" means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities.
- D. \_\_\_\_\_ "Individualized Education Program" or "IEP" means a written statement developed for a student eligible by law for special education and services.
- E. \_\_\_\_\_ "English language learners" or "ELL" student means an individual whose first language is not English and whose test performance may be negatively impacted by lack of English language proficiency.

### **IV. DISTRICT ASSESSMENT COORDINATOR**

The superintendent or designee shall name the District Assessment Coordinator. Said person shall be in charge of all test procedures and shall bring recommendations to the school board annually for approval.

### **V. GRADUATION ASSESSMENT REQUIREMENTS**

Students' state graduation requirements, based on a longitudinal, systematic approach to student education and career planning, assessment, instructional support, and evaluation, include the following:

- A. Achievement and career and college readiness in mathematics, reading, and writing, as measured against a continuum of empirically derived, clearly defined benchmarks focused on students' attainment of knowledge and skills so that students, their parents, and teachers know how well students must perform to have a reasonable chance to

succeed in a career or college without the need for postsecondary remediation and which facilitates the monitoring of students' continuous development of and growth in requisite knowledge and skills; analysis of students' progress and performance levels, identification of students' academic strengths and diagnosis of areas where students require curriculum or instructional adjustments, targeted interventions, or remediation; and determination of students' learning and instructional needs and the instructional tools and best practices that support academic rigor for the student based on analysis of students' progress and performance data; and

- B. Consistent with this paragraph and Minnesota Statutes section 120B.125 (*see Policy 604, Section II.H.*), age-appropriate exploration and planning activities and career assessments to encourage students to identify personally relevant career interests and aptitudes and help students and their families develop a regularly reexamined transition plan for postsecondary education or employment without need for postsecondary remediation.
- C. Based on appropriate state guidelines, students with an IEP may satisfy state graduation requirements by achieving an individual score on the state-identified alternative assessments.
- D. Students meeting the state graduation requirements under this section must receive targeted, relevant, academically rigorous, and resourced instruction which may include a targeted instruction and intervention plan focused on improving the student's knowledge and skills in core subjects so that the student has a reasonable chance to succeed in a career or college without need for postsecondary remediation.
- E. Students meeting the state graduation requirements under this section and who are students in grade 11 or 12 and who are identified as academically ready for a career or college are actively encouraged by the school district to participate in courses and programs awarding college credit to high school students. Students are not required to achieve a specified score or level of proficiency on an assessment to graduate from high school.
- F. A student's progress toward career and college readiness must be recorded on the student's high school transcript.

## **VI. GRADUATION CREDIT REQUIREMENTS**

Students must successfully complete, as determined by the school district, the following high school level credits for graduation:

- A. Eight credits of language arts sufficient to satisfy all academic standards in English language arts;
- B. Seven credits of mathematics, including an algebra II credit or its equivalent, sufficient to satisfy all of the academic standards in mathematics;
- C. An algebra I credit by the end of 8<sup>th</sup> grade sufficient to satisfy all of the 8<sup>th</sup> grade standards in mathematics;
- D. Seven credits of science, including at least: (a) two credits of biology; (b) two credits of chemistry or physics; and (c) three science credits during freshman year. The combination of credits must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other academic standards in science;
- E. Eight credits of social studies, encompassing at least United States history, geography, government and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;

- F. Two credits in the arts sufficient to satisfy all of the state or local academic standards in the arts; and
- G. A minimum of eighteen elective credits.
- H. Three credits of physical education (2) and health (1).
- I. One credit for speech.
- J. One credit for completion of senior seminar
- K. Credit equivalencies
  - 1. A credit of economics taught in a school's ~~agriculture~~-business department may fulfill credit in social studies under Paragraph E., above, if the credit is sufficient to satisfy all of the academic standards in economics.
  - 2. An agriculture science or career and technical education credit may fulfill the elective science credit required under Paragraph D., above, if the credit meets the state physical science, life science, earth and space science, chemistry, or physics academic standards or a combination of these academic standards as approved by the school district. An agriculture or career and technical education credit may fulfill the credit in chemistry or physics required under Paragraph D., above, if the credit meets the state chemistry or physics academic standards as approved by the school district. A student must satisfy either all of the chemistry or physics academic standards prior to graduation. An agriculture science or career and technical education credit may not fulfill the required biology credit under Paragraph D., above.
  - 3. A career and technical education credit may fulfill a mathematics or arts credit requirement under Paragraph B. or Paragraph F., above.
  - 4. A computer science credit may fulfill a mathematics credit requirement under Paragraph B., above, if the credit meets state academic standards in mathematics.
  - 5. A Project Lead the Way credit may fulfill a mathematics or science credit requirement under Paragraph B. or Paragraph D., above, if the credit meets the state academic standards in mathematics or science.
  - 6. An ethnic studies course may fulfill a social studies, language arts, arts, math, or science credit if the course meets the applicable state academic standards. An ethnic studies course may fulfill an elective credit if the course meets applicable local standards or other requirements.

***[Note: Starting in the 2026-27 school year, a high school must offer an ethnic studies course; in elementary and middle schools by the 2027-28 school year.]***

## **VII. GRADUATION STANDARDS REQUIREMENTS**

- A. All students must demonstrate their understanding of the following academic standards:
  - 1. School District Standards, Health (K-12);
  - 2. School District Standards, Career and Technical Education (K-12); and

3. School District Standards, World Languages (K-12).
- B. Academic standards in health, world languages, and career and technical education will be reviewed as part of the district’s curriculum review cycle.\* A school district must use the current world languages standards developed by the American Council on the Teaching of Foreign Languages.
 

\* Reviews are required to be conducted on a periodic basis. Therefore, this time period may be changed to accommodate individual school district needs.
  - C. All students must satisfactorily complete the following required Graduation Standards in accordance with the standards developed by the Minnesota Department of Education (MDE):
    1. Minnesota Academic Standards, English Language Arts K-12;
    2. Minnesota Academic Standards, Mathematics K-12;
    3. Minnesota Academic Standards, Science K-12;
    4. Minnesota Academic Standards, Social Studies K-12; and
    5. Minnesota Academic Standards, Physical Education K-12.
  - D. State standards in the Arts K-12 are available, or school districts may choose to develop their own standards.
  - E. The academic standards for language arts, mathematics, and science apply to all students except the very few students with extreme cognitive or physical impairments for whom an IEP team has determined that the required academic standards are inappropriate. An IEP team that makes this determination must establish alternative standards.

**VIII. EARLY GRADUATION**

Students may be considered for early graduation, as provided for within Minnesota Statutes, section 120B.07, upon meeting the following conditions:

- A. All course or standards and credit requirements must be met;
- B. The principal or designee shall conduct an interview with the student and parent or guardian, familiarize the parties with opportunities available in post-secondary education, and arrive at a timely decision; and
- C. The principal’s decision shall be in writing and may be subject to review by the superintendent and school board.

**Legal References:** Minn. Stat. § 120B.018 (Definitions)  
 Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota’s Students)  
 Minn. Stat. § 120B.021 (Required Academic Standards)  
 Minn. Stat. § 120B.023 (Benchmarks)  
 Minn. Stat. § 120B.024 (Credits)  
 Minn. Stat. § 120B.07 (Early Graduation)  
 Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum,

Instruction, and Student Achievement; Striving for the World's Best Workforce)  
Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)  
Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)  
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 Part 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 614 (School District Testing Plan and Procedure)  
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)  
MSBA/MASA Model Policy 616 (School District System Accountability)

Policy Adopted: July 2012  
Revised: Jan. 2016, March 2023  
Independent School District No. 110  
Waconia MN

7.C.19. 616 School District System Accountability

## 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 course 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.~~
- BC. "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 school board shall approve the guidelines for member representation of the **District** Advisory Committee 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 **District** 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.

1. The 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 District 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 District 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 District Advisory Committee shall work with the school site to adopt a plan to raise student achievement levels to meet federal expectations. The District 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 current achievement growth that show growth relative to 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 December 1st of each year, the District 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 District 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 **District** Advisory Committee shall meet the following criteria:
- a. The **District** Advisory Committee shall ensure active community participation in all planning for instruction and curriculum affecting Graduation Standards.
  - b. The **District** 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 **District** 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.~~
5. Translation services should be provided to the extent appropriate and practicable.
6. The **District** Advisory Committee shall meet at least 4 times per year and cover the following items:
- 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.
  - b. Agree on the process to be used. Become familiar with the instruction and curriculum of the cycle content area.
  - c. Review evaluation results and prepare recommendations.
  - 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 **District**

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. **subdivision 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.
3. **The school district must annually report the district's class size ratios by each grade to the commissioner of education in the form and manner specified by the commissioner.**
4. **The school district must report whether programs funded with compensatory revenue are consistent with best practices demonstrated to improve student achievement.**

**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 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 Agreements; Other Agreements)  
Minn. Stat. § 123B.147 (Principals)  
**Minn. Stat. § 126C.12 (Learning and Development Revenue Amount and Use)**  
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)  
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)

Policy Adopted: March 2004  
Reviewed: June 2015, May 2016, April 2021  
Revised: June 2022, April 2023  
Independent School District No. 110  
Waconia, MN

7.C.20. 618 Assessment of Student Achievement

## 618 ASSESSMENT OF STUDENT ACHIEVEMENT

### I. PURPOSE

The purpose of this policy is to institute a process for the establishment and revision of assessments to measure achievement toward meeting the Minnesota Academic Standards, track academic progress over time, and provide Minnesota graduates information related to career and college readiness.

### II. GENERAL STATEMENT OF POLICY

The school district has established a procedure by which students shall complete Graduation Requirements. This procedure includes the adoption of performance assessment methods to be used in measuring student performance. The school district strives to continually enhance student achievement of Graduation Requirements.

### III. DEFINITIONS

~~A. —“Above-grade level” test items contain subject area content that is above the grade level of the student taking the assessment and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards above the grade level of the student taking the assessment. Notwithstanding the student’s grade level, administering above-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.~~

A. “Academic standard” means a summary description of student learning in a required content area or elective content area.

~~“Below-grade level” test items contain subject area content that is below the grade level of the student taking the test and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards below the student’s current grade level. Notwithstanding the student’s grade level, administering below-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.~~

B. “Benchmark” means the specific knowledge or skill that a student must master to complete part of an academic standard by the end of the grade level or grade band.

C. “Career and college ready,” for purposes of statewide accountability, means a high school graduate has the knowledge, skills, and competencies to successfully pursue a career pathway, including postsecondary credit leading to a degree, diploma, certificate, or industry-recognized credential and employment. Students who are career and college ready are able to successfully complete credit-bearing

coursework at a two- or four-year college or university or other credit-bearing postsecondary program without need for remediation.

~~“Computer adaptive assessments” means fully adaptive assessments.~~

- D “Cultural competence,” for purposes of statewide accountability, means the ability and will to interact effectively with people of different cultures, native languages, and socioeconomic backgrounds.
- E “Elective standards” means a locally adopted expectation for student learning in career and technical education and world languages.
- F “Experiential learning” means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, or other cooperative work experience, youth apprenticeship, or employment.

~~“Fully adaptive assessments” include on-grade level test items and items that may be above or below a student’s grade level. *[Note: Fully adaptive mathematics and reading assessments must be used for grades 3 through 7 beginning in the 2015-2016 school year and later.]*~~

~~“On-grade level” test items contain subject area content that is aligned to state academic standards for the grade level of the student taking the assessment.~~

- G. “Required standard” means (1) a statewide adopted expectation for student learning in the content areas of English language arts, mathematics, science, social studies, physical education, and the arts, **and** (2) a locally adopted expectation for student learning in health. ~~or the arts.~~

#### IV. ESTABLISHMENT OF CRITERIA FOR ASSESSMENT

- A. The *[school board/superintendent/director of instruction]* shall establish criteria by which student performance of local academic standards and elective standards are to be evaluated and approved. The criteria will be submitted to the school board for approval. Upon approval by the school board, the criteria shall be deemed part of this policy.
- B. The superintendent shall ensure that students and parents or guardians are provided with notice of the process by which academic standards will be assessed.
- C. Staff members will be expected to utilize staff development opportunities to the extent necessary to ensure effective implementation and continued improvement of the implementation of assessments under the Minnesota Academic Standards.

#### V. STANDARDS FOR MINNESOTA ACADEMIC STANDARDS PERFORMANCE ASSESSMENTS

A. Benchmarks

The school district will offer and students must achieve all benchmarks for an academic standard to satisfactorily complete that state standard. These benchmarks will be used by the school district and its staff in developing tests to measure student academic knowledge and skills.

***[School districts are required to formally establish a periodic review cycle for academic standards and related benchmarks in health, world languages, and career and technical education.]***

B. Statewide Academic Standards Testing

1. The school district will utilize statewide assessments developed from and aligned with the state's required academic standards as these tests become available to evaluate student progress toward career and college readiness in the context of the state's academic standards.
2. The school district will administer annually, in accordance with the process determined by the Minnesota Department of Education, the state-constructed tests aligned with state standards to all students in grades 3 through 8 and at the high school level as follows:
  - a. computer-adaptive reading and mathematics assessments in grades 3 through 8;
  - b. high school reading in grade 10, mathematics in grade 11, and a high school writing test, when it becomes available; and
  - c. science assessments in one grade in the grades 3 through 5 span, the grades 6 through 8 span, and a life science assessment in the grades 9 through 12 span (a passing score on high school science assessments is not a condition of receiving a diploma).
3. The school district will develop and administer locally constructed tests in social studies, health and physical education, and the arts to determine if a student has met the required academic standards in these areas.
4. The school district may use a student's performance on a statewide assessment as one of the multiple criteria to determine grade promotion or retention. The school district also may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.
5. For students in grade 8 in the 2012-2013 school year and later, the school district must record on the high school transcript a student's progress

toward career and college readiness. For other students, this record of progress must be made as soon as practicable. In addition, the school district may include a notation of high achievement on the high school diplomas of those graduating seniors who, according to established school board criteria, demonstrate exemplary academic achievement during high school.

6. Students who do not meet or exceed the Minnesota Academic Standards, as measured by the Minnesota Comprehensive Assessments administered in high school, must be informed that admission to a public school is free and available to any resident under 21 years of age. The school district will determine how this notice is given.

C. Student Participation

1. The **Minnesota** Commissioner of Education must create and publish a form for parents and guardians that:
  - a. explains the need for state academic standards;
  - b. identifies the state assessments that are aligned with state standards;
  - c. identifies the consequences, if any, the school or student may face if a student does not participate in state or locally required standardized assessments;
  - d. states that students who receive a college ready benchmark on the high school Minnesota Comprehensive Assessment are not required to take a remedial, noncredit course at a Minnesota state college or university in the corresponding subject area;
  - e. summarizes the provisions in Minn. Stat. § 120B.301(a) and (c); and
  - f. notifies a parent of the right to not have the parent's child participate in the state and locally required assessments and asks a parent that chooses to not have a child participate in the assessments the basis for the decision.
2. The school district must post the form created by the Commissioner on the school district website and include it in the school district's student handbook.

**VI. RIGOROUS COURSE OF STUDY WAIVER**

- A. Upon receiving a student's application signed by the student's parent or guardian, the school district must declare that a student meets or exceeds a specific

academic standard required for graduation if the school board determines that the student:

1. is participating in a course of study, including an advanced placement or international baccalaureate course or program; a learning opportunity outside the curriculum of the school district; or an approved preparatory program for employment or post-secondary education that is equally or more rigorous than the corresponding state or local academic standard required by the school district;
  2. would be precluded from participating in the rigorous course of study, learning opportunity, or preparatory employment or post-secondary education program if the student were required to achieve the academic standard to be waived; and
  3. satisfactorily completes the requirements for the rigorous course of study, learning opportunity, or preparatory employment or post-secondary education program.
- B. The school board also may formally determine other circumstances in which to declare that a student meets or exceeds a specific academic standard that the site requires for graduation under this section.
- C. A student who satisfactorily completes a post-secondary enrollment options course or program or an advanced placement or international baccalaureate course or program is not required to complete other requirements of the academic standards corresponding to that specific rigorous course of study.

## **VII. CAREER EXPLORATION ASSESSMENT**

- A. Student assessments, in alignment with state academic standards, shall include clearly defined career and college readiness benchmarks and satisfy Minnesota's postsecondary admissions requirements. Achievement and career and college readiness in mathematics, reading, and writing must also be assessed. When administering formative or summative assessments used to measure the academic progress, including the oral academic development, of English learners and inform their instruction, schools must ensure that the assessments are accessible to the students and students have the modifications and supports they need to sufficiently understand the assessments.
- B. On an annual basis, the school district must use the career exploration elements in these assessments, beginning no later than grade 9, to help students and their families explore and plan for postsecondary education or careers based on the students' interests, aptitudes, and aspirations. The school district must use timely regional labor market information and partnerships, among other resources, to help students and their families successfully develop, pursue, review, and revise an individualized plan for postsecondary education or a career. This process must help increase students' engagement in and connection to school, improve

students' knowledge and skills, and deepen students' understanding of career pathways as a sequence of academic and career courses that lead to an industry-recognized credential, an associate's degree, or a bachelor's degree and are available to all students, whatever their interests and career goals.

- C. All students, except those eligible for alternative assessments, will be encouraged to participate on a nationally normed college entrance exam in grade 11 or 12. A student under this paragraph who demonstrates attainment of required state academic standards on these assessments, which include career and college readiness benchmarks, is academically ready for a career or college and is encouraged to participate in courses awarding college credit to high school students. Such courses and programs may include sequential courses of study within broad career areas and technical skill assessments that extend beyond course grades.

To the extent state funding for college entrance exam fees is available, the school district will pay the cost, one time, for an interested student in grade 11 or 12, who is eligible for a free or reduced-priced meal, to take a nationally recognized college entrance exam before graduating. The school district may require a student who is not eligible for a free or reduced-priced meal to pay the cost of taking a nationally recognized college entrance exam. The school district will waive the cost for a student who is unable to pay.

- D. As appropriate, students through grade 12 must continue to participate in targeted instruction, intervention, or remediation and be encouraged to participate in courses awarding college credit to high school students.
- E. In developing, supporting, and improving students' academic readiness for a career or college, the school district must have a continuum of empirically derived, clearly defined benchmarks focused on students' attainment of knowledge and skills so that students, their parents, and teachers know how well students must perform to have a reasonable chance to succeed in a career or college without need for postsecondary remediation.

**Legal References:** Minn. Stat. § 120B.018 (Definitions)  
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota's Students)  
Minn. Stat. § 120B.021 (Required Academic Standards)  
Minn. Stat. § 120B.022 (Elective Standards)  
Minn. Stat. § 120B.023 (Benchmarks)  
Minn. Stat. § 120B.11 (School District Process)  
Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)  
Minn. Stat. § 120B.31 (System Accountability and Statistical Adjustments)  
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)  
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for

Mathematics)  
Minn. Rules Parts 3501.0800-3501.0815 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
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 616 (School District System Accountability)

Policy Adopted: 1998  
Revised: Aug. 2004, revised Jan. 2016, revised July 2020  
Independent School District No. 110  
Waconia, MN

7.C.21. 619 Staff Development for Standards

## **619 STAFF DEVELOPMENT FOR STANDARDS**

### **I. PURPOSE**

The purpose of this policy is to establish opportunities for staff development which advance the staff's ability to work effectively with the Graduation Assessment Requirements and with students as they progress to achievement of those Graduation Assessment Requirements and meet the requirements of federal law.

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

The school district is committed to developing staff policies and processes for continuous improvement of curriculum, instruction, and assessment to ensure effective implementation of the Graduation Assessment Requirements and federal law at all levels.

### **III. STANDARDS FOR STAFF DEVELOPMENT**

- A. The Advisory Committee for Comprehensive Continuous Improvement of Student Achievement (Committee) shall address the needs of all staff in prioritizing staff development which will ensure effective implementation of the Graduation Assessment Requirements and federal law at all levels. The Committee will advise the school board on the planning of staff development opportunities.
- B. The school district shall place a high priority on staff development including activities, programs, and other efforts to implement the Graduation Assessment Requirements effectively and to upgrade that implementation continuously.
- C. Staff development plans for the school district shall address identified needs for Graduation Assessment Requirements implementation throughout all levels of the school district programs.
- D. In service, staff meeting, and district and building level staff development plans and programs shall focus on improving implementation of the Graduation Assessment Requirements at all levels for all students, including those with special needs.

### **IV. TRAINING AND PROFESSIONAL DEVELOPMENT**

- A. Paraprofessionals. The school district will provide each paraprofessional who assists a licensed teacher in providing student instruction with initial training. Such training will include training in emergency procedures, confidentiality, vulnerability, reporting obligations, discipline, policies, roles and responsibilities, and building orientation. Training will be provided within the first 60 days a paraprofessional begins supervising or working with students.

Additionally, with regard to paraprofessionals providing support to special education students, the school district will ensure that annual training opportunities are required to enable the paraprofessional to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, the unique and individual needs of each student according to the student's disability and how the disability affects the student's education and behavior, following lesson plans, and implementing follow-up instructional procedures and activities.

- B. Teachers/Administrators. The school district will provide high quality and ongoing professional development activities as required by state and federal laws.

**Legal References:** 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.363 (Credential for Education Paraprofessionals)  
Minn. Stat. § 122A.16 (Qualified Teacher Defined)  
Minn. Stat. § 122A.60 (Staff Development Program)  
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)  
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)  
Minn. Rules Parts 3501.0800-3501.0820+5 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0960+55 (Academic Standards in Science)  
~~Minn. Rules Parts 3501.1000-3501.1190 (Graduation Required Assessment for Diploma) (repealed Minn. L. 2013, Ch. 116, Art. 2, § 22)~~  
Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)  
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
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 616 (School District System Accountability)

Policy Adopted: March 2004  
Revised Jan. 2016, revised July 2020  
Independent School District No. 110

Waconia, MN

7.C.22. 623 Mandatory Summer Instruction

## **623 MANDATORY SUMMER SCHOOL INSTRUCTION**

### **I. PURPOSE**

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

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

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

### **III. PROCEDURES**

- A. The school district shall offer summer school instruction providing opportunities for:
  - 1. Intervention programs at the elementary and middle school levels;
  - 2. Credit redemption and review courses at the high school level;
  - 3. Special education instruction and services related to mandatory summer school instruction consistent with applicable state and federal authority for all qualified disabled children where appropriate to their educational needs;
  - 4. Other summer school programs as determined by the school district.
- B. All services of the summer school program will be free to residents of the school district whose need for a summer program has been identified by teachers or the school principal and who are required to attend pursuant to established school district criteria and the provisions of this policy.
- C. The summer school curriculum will be established in line with the needs of students and in accordance with rules of the **Minnesota** Department of Education. Remedial, make-up, and review courses shall provide opportunities for students to qualify for promotion and/or credit in areas and subjects where previous work has not met promotion/credit standards. It shall further be designed to assist students who have not passed one or more basic requirements tests and who are in need of remediation services relating to the school district's graduation standards or who have been identified as at risk of not learning to read before the end of second grade.
- D. Summer school provides the opportunity for students to improve basic skills,

further their academic progress, and/or accelerate in designated academic areas. The intent of the school district is to ensure that courses taught during the summer session are of the same level of instructional breadth and difficulty as provided during the regular school year.

#### **IV. MANDATORY SUMMER SCHOOL INSTRUCTION**

The school district will direct the administration to identify and develop specific criteria and standards for determining which students may receive summer school instruction. The instruction information and availability will be shared with school families on an annual basis. The superintendent will identify the administrators responsible for coordinating the summer instruction, including:

- Budgeting
- Staffing
- Registration
- Scheduling
- Procedures

#### **V. TRANSPORTATION SERVICES**

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

#### **VI. SCHOOL BOARD REVIEW**

The superintendent or designated representative shall report at least annually to the school board regarding the status and utilization of programs under this policy.

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

Services)  
Minn. Rules Part 3501 (Graduation Standards)

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

Policy Adopted: March 2004  
Policy Revised: December 2020  
Independent School District No. 110  
Waconia, MN

7.C.23. 701 Establishment and Adoption of School  
District Budget

## 701 ESTABLISHMENT AND ADOPTION OF SCHOOL DISTRICT BUDGET

*[Note: The provisions of this policy substantially reflect the requirements of Minnesota Statutes.]*

### I. PURPOSE

The purpose of this policy is to establish lines of authority and procedures for the establishment of the school district's revenue and expenditure budgets.

### II. GENERAL STATEMENT OF POLICY

The policy of the school district is to establish its revenue and expenditure budgets in accordance with the applicable provisions of law. Budget planning is an integral part of program planning so that the annual budget will effectively express and implement school board goals and the priorities of the school district.

### III. REQUIREMENT

- A. The superintendent or such other school official as designated by the superintendent or the school board shall each year prepare preliminary revenue and expenditure budgets for review by the school board or its designated committee or committees. The preliminary budgets shall be accompanied by such written commentary as may be necessary for them to be clearly understood by the members of the school board and the public. The school board shall review the projected revenues and expenditures for the school district for the next fiscal year and make such adjustments in the expenditure budget as necessary to carry out the education program within the revenues projected.
- B. The school district must maintain separate accounts to identify revenues and expenditures for each building. Expenditures shall be reported in compliance with ~~Minn. Stat. §~~ **Minnesota Statutes section** 123B.76.
- C. Prior to July 1 of each year, the school board shall approve and adopt its initial revenue and expenditure budgets for the next school year. The adopted expenditure budget document shall be considered the school board's expenditure authorization for that school year. No funds may be expended for any purpose in any school year prior to the adoption of the budget document which authorizes that expenditure for that year, or prior to the adoption of an amendment to that budget document by the school board to authorize that expenditure for that year.
- D. Each year, the school district shall publish its adopted revenue and expenditure budgets for the current year, the actual revenues, expenditures, and fund balances for the prior year, and the projected fund balances for the current year in the form prescribed by the **Minnesota** Commissioner of **Education** within one week of the acceptance of the final audit by the school board, or November 30, whichever is earlier. A statement shall be included in the publication that the complete budget

in detail may be inspected by any resident of the school district upon request to the superintendent. A summary of this information and the address of the school district's official website where the information can be found must be published in a newspaper of general circulation in the school district. At the same time as this publication, the school district shall publish the other information required by Minn. Stat. § **Minnesota Statutes section** 123B.10.

- E. At the public hearing on the adoption of the school district's proposed property tax levy, the school board shall review its current budget and the proposed property taxes payable in the following calendar year.
- F. The school district must also post the materials specified in Paragraph III.D. above on the school district's official website, including a link to the school district's school report card on the Minnesota Department of Education's website, and publish a summary of information and the address of the school district's website where the information can be found in a qualified newspaper of general circulation in the district.

#### **IV. IMPLEMENTATION**

- A. The school board places the responsibility for administering the adopted budget with the superintendent. The superintendent may delegate duties related thereto to other school officials, but **the superintendent** maintains the ultimate responsibility for this function.
- B. The program-oriented budgeting system will be supported by a program-oriented accounting structure organized and operated on a fund basis as provided for in Minnesota statutes through the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS).
- C. The superintendent or the superintendent's designee is authorized to make payments of claims or salaries authorized by the adopted or amended budget prior to school board approval.
- D. Supplies and capital equipment can be ordered prior to budget adoption only by authority of the school board. If additional personnel are provided in the proposed budget, actual hiring may not occur until the budget is adopted unless otherwise approved by the school board. Other funds to be expended in a subsequent school year may not be encumbered prior to budget adoption unless specifically approved by the school board.
- E. The school district shall make such reports to the **Minnesota Commissioner of Education** as required relating to initial allocations of revenue, reallocations of revenue, and expenditures of funds.

**Legal References:** Minn. Stat. § 123B.10 (Publication of Financial Information)  
Minn. Stat. § 123B.76 (Expenditures; Reporting)

Minn. Stat. § 123B.77 (Accounting, Budgeting, and Reporting Requirements)

***Cross References:*** MSBA/MASA Model Policy 701.1 (Modification of School District Budget)  
MSBA/MASA Model Policy 702 (Accounting)  
~~MSBA Service Manual, Chapter 7, Education Funding~~

Policy Adopted: June 2004, November 2006  
Revised September 2017, reviewed August 2020

Independent School District #110 Waconia, MN

7.C.24. 701.1 Modification of School District  
Budget

## **701.1 MODIFICATION OF SCHOOL DISTRICT BUDGET**

*[Note: The provisions of this policy substantially reflect the requirements of Minnesota Statutes.]*

### **I. PURPOSE**

The purpose of this policy is to establish procedures for the modification of the school district's adopted revenue and expenditure budgets.

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

The policy of this school district is to modify its revenue and expenditure budgets in accordance with the applicable provisions of law.

### **III. REQUIREMENT**

- A. The school district's adopted expenditure budget shall be considered the school board's expenditure authorization for that school year.
- B. If revisions or modifications in the adopted expenditure budget are determined to be advisable by the administration, the superintendent shall recommend the proposed changes to the school board. The proposed changes shall be accompanied by sufficient and appropriate background information on the revenue and policy issues involved to allow the school board to make an informed decision. A school board member may also propose modifications on that board member's own motion, provided, however, the school board member is encouraged to review the proposed modifications with the superintendent prior to their being proposed so that the administration may prepare necessary background materials for the school board prior to its consideration of those proposed modifications.
- C. If sufficient funds are not included in the expenditure budget in a particular fund to allow the proposed expenditure, funds for this purpose may not be expended from that fund prior to the adoption of an expenditure budget amendment by the school board to authorize that expenditure for that school year. An amended expenditure shall not exceed the projected revenues available for that purpose in that fund.
- D. The school district's revenue budget shall be amended from time to time during a fiscal year to reflect updated or revised revenue estimates. The superintendent shall make recommendations to the school board for appropriate revisions. If necessary, the school board shall also make necessary revisions in the expenditure budget if it appears that expenditures would otherwise exceed revenues and fund balances in a fund.

**Legal References:** Minn. Stat. § 123B.77 (Accounting, Budgeting, and Reporting

Requirement)

***Cross References:*** MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)  
~~MSBA Service Manual, Chapter 7, Education Funding~~

Policy Adopted: September 2004  
Reviewed November 2006, revised August 2020  
Independent School District #110 Waconia, MN

7.C.25. 702 Accounting

## 702 ACCOUNTING

*[Note: The provisions of this policy reflect the applicable statutes and are not discretionary in nature.]*

### I. PURPOSE

The purpose of this policy is to adopt the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS) provided for in guidelines adopted by the Minnesota Department of Education.

### II. GENERAL STATEMENT OF POLICY

It is the policy of this school district to comply with the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts.

### III. MAINTENANCE OF BOOKS AND ACCOUNTS

The school district shall maintain its books and records and do its accounting in compliance with the Uniform Accounting and Reporting Standards for Minnesota School Districts (UFARS) provided for in the guidelines adopted by the Minnesota Department of Education and in compliance with applicable state laws and rules relating to reporting of revenues and expenditures.

### IV. PERMANENT FUND TRANSFERS

Unless otherwise authorized pursuant to ~~Minn. Stat. §~~ **Minnesota Statutes section 123B.80**, as amended, or any other law, fund transfers shall be made in compliance with UFARS and permanent fund transfers shall only be made in compliance with ~~Minn. Stat. §~~ **Minnesota Statutes section 123B.79**, as amended, or other applicable statute.

### V. REPORTING

The school board shall provide for an annual audit of the books and records of the school district to assure compliance of its records with UFARS. Each year, the school district shall also provide for the publication of the financial information specified in ~~Minn. Stat. §~~ **Minnesota Statutes section 123B.10** in the manner specified therein.

**Legal References:** Minn. Stat. § 123B.02 (**General Powers of Independent School Districts School District Powers**)  
Minn. Stat. § 123B.09 (**Boards of Independent School Districts School Board Powers**)  
Minn. Stat. § 123B.10 (Publication of Financial Information)  
Minn. Stat. § 123B.14, Subd. 7 (**Officers of Independent School Districts Duties of School Board Clerk**)  
Minn. Stat. § 123B.75 (Revenue; **Reporting**)

Minn. Stat. § 123B.76 (Expenditures; Reporting)  
Minn. Stat. § 123B.77 (Accounting, Budgeting and Reporting Requirements)  
Minn. Stat. § 123B.78 (Cash Flow; School District Revenues; Borrowing for Current Operating Costs; Capital Expenditure Deficits)  
Minn. Stat. § 123B.79 (Permanent Fund Transfers)  
Minn. Stat. § 123B.80 (Exceptions for Permanent Fund Transfers)

***Cross References:*** MSBA/MASA Model Policy 703 (Annual Audit)  
~~MSBA Service Manual, Chapter 7, Education Funding~~

Policy Adopted: June 2004  
Reviewed November 2006, revised August 2020  
Independent School District #110 Waconia, MN

7.C.26. 703 Annual Audit

## 703 ANNUAL AUDIT

*[Note: The provisions of this policy reflect the applicable statutes and are not discretionary in nature.]*

### I. PURPOSE

The purpose of this policy is to provide for an annual audit of the books and records of the school district in order to comply with law, to provide a permanent record of the financial position of the school district, and to provide guidance to the school district to correct any errors and discrepancies in its practices.

### II. GENERAL STATEMENT OF POLICY

The policy of this school district is to comply with all laws relating to the annual audit of the books and records of the school district.

### III. REQUIREMENT

- A. The school board shall appoint independent certified public accountants to audit, examine, and report upon the books and records of the school district. The school board may enter into a contract with a person or firm to provide the agreed upon services.
- B. After the close of each fiscal year, the books, records, and accounts of the school district shall be audited by said independent certified public accountants in accordance with applicable standards and legal requirements. The superintendent and members of the administration shall cooperate with the auditors.
- C. The school district shall, prior to September 15 of each year, submit unaudited financial data for the preceding year to the Minnesota Commissioner of Education (Commissioner) on forms prescribed by the Commissioner. The report shall also include those items required by ~~Minn. Stat. §~~ Minnesota Statutes section 123B.14, ~~Subd.~~ subdivision 7.
- D. The school district shall, prior to November 30 of each year, provide to the Commissioner audited financial data for the preceding fiscal year. The school district shall, prior to December 31 of each year, provide to the Commissioner and the State Auditor an audited financial statement in a form that will allow comparison with and correction of material differences in the unaudited data. The audited financial statement must also provide a statement of assurance pertaining to compliance with uniform financial accounting and reporting standards and a copy of the management letter submitted to the school district by its auditor.
- E. The audit must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act and the Minnesota Legal Compliance Audit Guide for School Districts issued by the Office of the State

Auditor.

- F. The school board must approve the audit report by resolution or require a further or amended report.
- G. The administration shall report to the school board regarding any actions necessary to correct any deficiencies or exceptions noted in the audit.
- H. The accounts and records of the school district shall also be subject to audit and inspection by the State Auditor to the extent provided in ~~Minn. Stat. Ch.~~ **Minnesota Statutes chapter 6.**

**Legal References:** Minn. Stat. Ch. 6 (State Auditor)  
Minn. Stat. § 123B.02 (**General Powers of Independent School Districts School District Powers**)  
Minn. Stat. § 123B.09 (**Boards of Independent School Districts School Board Powers**)  
Minn. Stat. § 123B.14, Subd. 7 (**Officers of Independent School Districts Duties of School Board Clerk**)  
Minn.Stat. § 123B.77, Subds. 2 and 3 (~~Audited Financial Statements; Statement for Comparison and Correction~~ **Accounting, Budgeting, and Reporting Requirement**)

**Cross References:** MSBA/MASA Model Policy 702 (Accounting)  
~~MSBA Service Manual, Chapter 7, Education Funding~~

Policy Adopted: June 2004, November 2006  
Revised: August 2020  
Independent School District #110 Waconia, MN

7.C.27. 704 Development and Maintenance of an  
Inventory of Fixed Assets

## **704 DEVELOPMENT AND MAINTENANCE OF AN INVENTORY OF FIXED ASSETS AND A FIXED ASSET ACCOUNTING SYSTEM**

### **I. PURPOSE**

The purpose of this policy is to provide for the development and maintenance of an inventory of the fixed assets of the school district and the establishment and maintenance of a fixed asset accounting system.

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

The policy of the school district is that a fixed asset accounting system and an inventory of fixed assets be developed and maintained.

### **III. DEVELOPMENT OF INVENTORY AND ACCOUNTING SYSTEM**

The superintendent or such other school official as designated by the superintendent or the school board shall be responsible for the development and maintenance of an inventory of the fixed assets of the school district and for the establishment and maintenance of a formal fixed asset accounting system. The accounting system shall be operated in compliance with the applicable provisions of the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS). In addition, the inventory shall specify the location of all continued abstracts showing the conveyance of the property to the school district; certificates of title showing title to the property in the school district; title insurance policies; surveys; and other property records relating to the real property of the school district.

### **IV. REPORT**

The administration shall annually update the property records of the school district and provide an inventory of the fixed assets of the school district to the school board.

**Legal References:** Minn. Stat. § 123B.02 (~~School District Powers~~) **(General Power of Independent School Districts)**  
Minn. Stat. § 123B.09 (~~School Board Powers~~) **(Boards of Independent School Districts)**  
Minn. Stat. § 123B.51 (Schoolhouse and Sites; ~~Access for Noncurricular Purposes~~) **(Uses for School and Nonschool Purposes; Closings)**

**Cross References:** MSBA/MASA Model Policy 702 (Accounting)  
~~MSBA Service Manual, Chapter 7, Education Funding~~

Policy Adopted: September 2004, November 2006, August 2020  
Independent School District 110  
Waconia, MN

7.C.28. 705 Investments

## **705 INVESTMENTS**

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

### **I. PURPOSE**

The purpose of this policy is to establish guidelines for the investment of school district funds.

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

The policy of this school district is to comply with all state laws relating to investments and to guarantee that investments meet certain primary criteria.

### **III. SCOPE**

This policy applies to all investments of the surplus funds of the school district, regardless of the fund accounts in which they are maintained, unless certain investments are specifically exempted by the school board through formal action.

### **IV. AUTHORITY; OBJECTIVES**

- A. The funds of the school district shall be deposited or invested in accordance with this policy, Minn. Stat. Ch. 118A and any other applicable law or written administrative procedures.
- B. The primary criteria for the investment of the funds of the school district, in priority order, are as follows
  - 1. Safety and Security. Safety of principal is the first priority. The investments of the school district shall be undertaken in a manner that seeks to ensure the preservation of the capital in the overall investment portfolio.
  - 2. Liquidity. The funds shall be invested to assure that funds are available to meet immediate payment requirements, including payroll, accounts payable, and debt service.
  - 3. Return and Yield. The investments shall be managed in a manner to attain a market rate of return through various economic and budgetary cycles, while preserving and protecting the capital in the investment portfolio and taking into account constraints on risk and cash flow requirements.

### **V. DELEGATION OF AUTHORITY**

- A. The Finance Director of the school district is designated as the investment officer of the school district and is responsible for investment decisions and activities under the direction of the school board. The investment officer shall operate the

school district's investment program consistent with this policy. The investment officer may delegate certain duties to a designee or designees but shall remain responsible for the operation of the program.

- B. All officials and employees that are a part of the investment process shall act professionally and responsibly as custodians of the public trust and shall refrain from personal business activity that could conflict with the investment program or which could reasonably cause others to question the process and integrity of the investment program. The investment officer shall avoid any transaction that could impair public confidence in the school district.

## **VI. STANDARD OF CONDUCT**

The standard of conduct regarding school district investments to be applied by the investment officer shall be the "prudent person standard." Under this standard, the investment officer shall exercise that degree of judgment and care, under the circumstances then prevailing, that persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, investing not for speculation and considering the probable safety of their capital as well as the probable investment return to be derived from their assets. The prudent person standard shall be applied in the context of managing the overall investment portfolio of the school district. The investment officer, acting in accordance with this policy and exercising due diligence, judgment, and care commensurate with the risk, shall not be held personally responsible for a specific security's performance or for market price changes. Deviations from expectations shall be reported in a timely manner and appropriate actions shall be taken to control adverse developments.

## **VII. MONITORING AND ADJUSTING INVESTMENTS**

The investment officer shall routinely monitor existing investments and the contents of the school district's investment portfolio, the available markets, and the relative value of competing investment instruments.

## **VIII. INTERNAL CONTROLS**

The investment officer shall establish a system of internal controls which shall be documented in writing. The internal controls shall be reviewed by the school board and shall be annually reviewed for compliance by the school district's independent auditors. The internal controls shall be designed to prevent and control losses of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions by officers, employees, or others. The internal controls may include, but shall not be limited to, provisions relating to controlling collusion, separating functions, separating transaction authority from accounting and record keeping, custodial safekeeping, avoiding bearer form securities, clearly delegating authority to applicable staff members, limiting securities losses and remedial action, confirming telephone transactions in writing, supervising and controlling employee actions, minimizing the number of authorized investment officials, and documenting transactions and strategies.

## **IX. PERMISSIBLE INVESTMENT INSTRUMENTS**

The school district may invest its available funds in those instruments specified in ~~Minn. Stat. §§~~ **Minnesota Statute sections** 118A.04 and 118A.05, as these sections may be amended from time to time, or any other law governing the investment of school district funds. The assets of an other postemployment benefits (OPEB) trust or trust account established pursuant to ~~Minn. Stat. §~~ **Minnesota Statutes section** 471.6175 to pay postemployment benefits to employees or officers after their termination of service, with a trust administrator other than the Public Employees Retirement Association, may be invested in instruments authorized under ~~Minn. Stat. Ch.~~ **Minnesota Statutes chapter** 118A or § 356A.06, ~~Subd.~~ **subdivision** 7. Investment of funds in an OPEB trust account under ~~Minn. Stat. §~~ **Minnesota Statutes** 356A.06, ~~Subd.~~ **subdivision** 7, as well as the overall asset allocation strategy for OPEB investments, shall be governed by an OPEB Investment Policy Statement (IPS) developed between the investment officer, as designed herein, and the trust administrator.

## **X. PORTFOLIO DIVERSIFICATION; MATURITIES**

- A. Limitations on instruments, diversification, and maturity scheduling shall depend on whether the funds being invested are considered short-term or long-term funds. All funds shall normally be considered short-term except those reserved for building construction projects or specific future projects and any unreserved funds used to provide financial-related managerial flexibility for future fiscal years.
- B. The school district shall diversify its investments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities.
  1. The investment officer shall prepare and present a table to the school board for review and approval. The table shall specify the maximum percentage of the school district's investment portfolio that may be invested in a single type of investment instrument, such as U.S. Treasury Obligations, certificates of deposit, repurchase agreements, banker's acceptances, commercial paper, etc. The approved table shall be attached as an exhibit to this policy and shall be incorporated herein by reference.
  2. The investment officer shall prepare and present to the school board for its review and approval a recommendation as to the maximum percentage of the total investment portfolio that may be held in any one depository. The approved recommendation shall be attached as an exhibit or part of an exhibit to this policy and shall be incorporated herein by reference.
  3. Investment maturities shall be scheduled to coincide with projected school district cash flow needs, taking into account large routine or scheduled expenditures, as well as anticipated receipt dates of anticipated revenues. Maturities for short-term and long-term investments shall be timed according to anticipated need. Within these parameters, portfolio maturities shall be staggered to avoid undue concentration of assets and a

specific maturity sector. The maturities selected shall provide for stability of income and reasonable liquidity.

## **XI. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS**

Before the school district invests any surplus funds in a specific investment instrument, a competitive bid or quotation process shall be utilized. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, quotations or bids shall be requested for instruments which meet the maturity requirement. If no specific maturity is required, a market trend analysis, which includes a yield curve, will normally be used to determine which maturities would be most advantageous. Quotations or bids shall be requested for various options with regard to term and instrument. The school district will accept the quotation or bid which provides the highest rate of return within the maturity required and within the limits of this policy. Generally all quotations or bids will be computed on a consistent basis, i.e., a 360-day or a 365-day yield. Records will be kept of the quotations or bids received, the quotations or bids accepted, and a brief explanation of the decision that was made regarding the investment. If the school district contracts with an investment advisor, bids are not required in those circumstances specified in the contract with the advisor.

## **XII. QUALIFIED INSTITUTIONS AND BROKER-DEALERS**

- A. The school district shall maintain a list of the financial institutions that are approved for investment purposes.
- B. Prior to completing an initial transaction with a broker, the school district shall provide to the broker a written statement of investment restrictions which shall include a provision that all future investments are to be made in accordance with Minnesota statutes governing the investment of public funds. The broker must annually acknowledge receipt of the statement of investment restrictions and agree to handle the school district's account in accordance with these restrictions. The school district may not enter into a transaction with a broker until the broker has provided this annual written agreement to the school district. The notification form to be used shall be that prepared by the State Auditor. A copy of this investment policy, including any amendments thereto, shall be provided to each such broker.

## **XIII. SAFEKEEPING AND COLLATERALIZATION**

- A. All investment securities purchased by the school district shall be held in third-party safekeeping by an institution designated as custodial agent. The custodial agent may be any Federal Reserve Bank, any bank authorized under the laws of the United States or any state to exercise corporate trust powers, a primary reporting dealer in United States Government securities to the Federal Reserve Bank of New York, or a securities broker-dealer defined in ~~Minn. Stat. §~~ **Minnesota Statutes section** 118A.06. The institution or dealer shall issue a safekeeping receipt to the school district listing the specific instrument, the name of the issuer, the name in which the security is held, the rate, the maturity, serial

numbers and other distinguishing marks, and other pertinent information.

- B. Deposit-type securities shall be collateralized as required by ~~Minn. Stat. §~~ **Minnesota Statutes section** 118A.03 for any amount exceeding FDIC, SAIF, BIF, FCUA, or other federal deposit coverage.
- C. Repurchase agreements shall be secured by the physical delivery or transfer against payment of the collateral securities to a third party or custodial agent for safekeeping. The school district may accept a safekeeping receipt instead of requiring physical delivery or third-party safekeeping of collateral on overnight repurchase agreements of less than \$1,000,000.

#### **XIV. REPORTING REQUIREMENTS**

- A. The investment officer shall generate daily and monthly transaction reports for management purposes. In addition, the school board shall be provided a monthly report that shall include data on investment instruments being held as well as any narrative necessary for clarification.
- B. The investment officer shall prepare and submit to the school board a quarterly investment report that summarizes recent market conditions, economic developments, and anticipated investment conditions. The report shall summarize the investment strategies employed in the most recent quarter and describe the investment portfolio in terms of investment securities, maturities, risk characteristics, and other features. The report shall summarize changes in investment instruments and asset allocation strategy approved by the investment officer for an OPEB trust in the most recent quarter. The report shall explain the quarter's total investment return and compare the return with budgetary expectations. The report shall include an appendix that discloses all transactions during the past quarter. Each quarterly report shall indicate any areas of policy concern and suggested or planned revisions of investment strategies. Copies of the report shall be provided to the school district's auditor.
- C. Within ninety (90) days after the end of each fiscal year of the school district, the investment officer shall prepare and submit to the school board a comprehensive annual report on the investment program and investment activity of the school district for that fiscal year. The annual report shall include 12-month and separate quarterly comparisons of return and shall suggest revisions and improvements that might be made in the investment program.
- D. If necessary, the investment officer shall establish systems and procedures to comply with applicable federal laws and regulations governing the investment of bond proceeds and funds in a debt service account for a bond issue. The record keeping system shall be reviewed annually by the independent auditor or by another party contracted or designated to review investments for arbitrage rebate or penalty calculation purposes.

#### **XV. DEPOSITORIES**

The school board shall annually designate one or more official depositories for school district funds. The treasurer or the chief financial officer of the school district may also exercise the power of the school board to designate a depository. The school board shall be provided notice of any such designation by its next regular meeting. The school district and the depository shall each comply with the provisions of ~~Minn. Stat. §~~ **Minnesota Statutes section** 118A.03 and any other applicable law, including any provisions relating to designation of a depository, qualifying institutions, depository bonds, and approval, deposit, assignment, substitution, addition, and withdrawal of collateral.

## **XVI. ELECTRONIC FUNDS TRANSFER OF FUNDS FOR INVESTMENT**

The school district may make electronic fund transfers for investments of excess funds upon compliance with Minn. Stat. § 471.38.

**Legal References:** Minn. Stat. § 118A.01 (~~Definitions Public Funds; Depositories and Investments~~)  
Minn. Stat. § 118A.02 (~~Depositories; Investing; Sales, Proceeds, Immunity Authorization for Deposit and Investment~~)  
Minn. Stat. § 118A.03 (~~When and What Collateral Required Depositories and Collateral~~)  
Minn. Stat. § 118A.04 (Investments)  
Minn. Stat. § 118A.05 (Contracts and Agreements)  
Minn. Stat. § 118A.06 (~~Delivery and Safekeeping; Acknowledgements~~)  
Minn. Stat. § 356A.06, Subd. 7 (~~Investments; Additional Duties Authorized Investment Securities~~)  
Minn. Stat. § 471.38 (Claims)  
Minn. Stat. § 471.6175 (Trust for Postemployment Benefits)

**Cross References:** MSBA/MASA Model Policy 703 (Annual Audit)  
~~MSBA Service Manual, Chapter 7, Education Funding~~  
Minnesota Legal Compliance Audit Guide **for School Districts** Prepared by the Office of the State Auditor

Policy Adopted: September 2004, November 2006  
Revised September 2008, April 2009, September 2020  
Independent School District 110  
Waconia, MN 55387

7.C.29. 706 Acceptance of Gifts

## 706 ACCEPTANCE OF GIFTS

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

### I. PURPOSE

The purpose of this policy is to provide guidelines for the acceptance of gifts by the school board.

### II. GENERAL STATEMENT OF POLICY

It is the policy of this school district to accept gifts only in compliance with state law.

### III. ACCEPTANCE OF GIFTS GENERALLY

The school board may receive, for the benefit of the school district, bequests, donations or gifts for any proper purpose. The school board shall have the sole authority to determine whether any gift or any precondition, condition, or limitation on use included in a proposed gift furthers the interests of or benefits the school district and whether it should be accepted or rejected.

### IV. GIFTS OF REAL OR PERSONAL PROPERTY

The school board may accept a gift, grant or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members. The resolution must fully describe any conditions placed on the gift. The real or personal property so accepted may not be used for religious or sectarian purposes.

*[Note: This voting requirement and gift use provision is specified by Minn. Stat. § 465.03.]*

### V. ADMINISTRATION IN ACCORDANCE WITH TERMS

If the school board agrees to accept a bequest, donation, gift, grant or devise which contains preconditions, conditions or limitations on use, the school board shall administer it in accordance with those terms. Once accepted, a gift shall be the property of the school district unless otherwise provided in the agreed upon terms.

**Legal References:** Minn. Stat. § 123B.02, Subd. 6 (**General Powers of Independent School Districts** ~~Bequests, Donations, Gifts~~)  
Minn. Stat. § 465.03 (**Gifts to Municipalities**)

**Cross References:** None

Policy Adopted: June 2004, March 2007

Revised: August 2020

Independent School District #110 Waconia, MN

7.C.30. 707 Transportation of Public School  
Students

## 707 TRANSPORTATION OF PUBLIC SCHOOL STUDENTS

*[Note: The obligations stated in this policy are largely governed by statute. ~~Statutory references are included throughout the policy.~~ A school district may choose to add obligations to the model policy.]*

### I. PURPOSE

The purpose of this policy is to provide for the transportation of students consistent with the requirements of law.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to provide for the transportation of students in a manner which will protect their health, welfare, and safety.
- B. The school district recognizes that transportation is an essential part of the school district services to students and parents but further recognizes that transportation by school bus is a privilege and not a right for an eligible student.

### III. DEFINITIONS

- A. “Child with a disability” includes every child identified under federal and state special education law as deaf or hard of hearing, blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairment, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the Commissioner of the Minnesota Department of Education. A licensed physician, an advanced practice nurse, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability. In addition, every child under age three, and at the school district’s discretion from age three to seven, who needs special instruction and services, as determined by the rules of the Commissioner, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner, is not a child with a disability. (Minn. Stat. § 125A.02)
- B. “Home” is the legal residence of the child. In the discretion of the school district, “home” also may be defined as a licensed day care facility, school day care facility, a respite care facility, the residence of a relative, or the residence of a person chosen by the student’s parent or guardian as the home of a student for part or all of the day, if requested by the student’s parent or guardian, or an afterschool program for children operated by a political subdivision of the state, if the facility, residence, or program is within the attendance area of the school the

student attends. Unless otherwise specifically provided by law, a homeless student is a resident of the school district if enrolled in the school district. (~~Minn. Stat. § 123B.92, Subd. 1(b)(1); Minn. Stat. § 127A.47, Subd. 2)~~)

- C. “Homeless student” means a student, including a migratory student, who lacks a fixed, regular, and adequate nighttime residence and includes: students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; are awaiting foster care placement; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, and migratory children who qualify as homeless because they are living in any of the preceding listed circumstances. (42 U.S.C. § 11434a)
- D. “Nonpublic school” means any school, church, or religious organization, or home school wherein a resident of Minnesota may legally fulfill the compulsory instruction requirements of ~~Minn. Stat. §~~ **Minnesota Statutes section** 120A.22, which is located within the state, and which meets the requirements of Title VI of the Civil Rights Act of 1964. (~~42 U.S.C. § 2000d, et seq.~~). (~~Minn. Stat. § 123B.41, Subd. 9)~~)
- E. “Nonresident student” is a student who attends school in the school district and resides in another district, defined as the “nonresident district.” In those instances when the divorced or legally separated parents or parents residing separately share joint physical custody of a student and the parents reside in different school districts, the student shall be a resident of the school district designated by the student’s parents. When parental rights have been terminated by court order, the legal residence of a student placed in a residential or foster facility for care and treatment is the district in which the student resides. (~~Minn. Stat. § 123B.88, Subd. 6; Minn. Stat. § 125A.51; Minn. Stat. § 127A.47, Subd. 3)~~)
- F. “Pupil support services” are health, counseling, and guidance services provided by the public school in the same district where the nonpublic school is located. (~~Minn. Stat. § 123B.41, Subd. 4)~~)
- G. “School of origin,” for purposes of determining the residence of a homeless student, is the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 U.S.C. § 11432(g)(3)(G))
- H. “Shared time basis” is a program where students attend public school for part of the regular school day and who otherwise fulfill the requirements of ~~Minn. Stat. §~~ **Minnesota Statutes section** 120A.22 by attendance at a nonpublic school. (~~Minn. Stat. § 126C.01, Subd. 8)~~)
- I. “Student” means any student or child attending or required to attend any school as

provided in Minnesota law and who is a resident or child of a resident of Minnesota. (Minn. Stat. § 123B.41, Subd. 11)

#### IV. ELIGIBILITY

- A. Upon the request of a parent or guardian, the school district shall provide transportation to and from school, at the expense of the school district, for all resident students who reside two miles or more from the school, except for those students whose transportation privileges have been revoked or have been voluntarily surrendered by the student's parent or guardian. ~~(Minn. Stat. § 123B.88, Subd. 1)~~
- B. The school district may, in its discretion, also provide transportation to any student to and from school, at the expense of the school district, for any other purpose deemed appropriate by the school board.

*[Note: In this section, school districts may wish to outline those discretionary areas where they intend to provide transportation. For example, some school districts may provide that transportation shall be provided for all resident elementary students who reside one mile or more from the school.]*

- C. In the discretion of the school district, transportation along regular school bus routes may also be provided, where space is available, to any person where such use of a bus does not interfere with the transportation of students. The cost of providing such transportation must be paid by those individuals using these services or some third-party payor. Bus transportation also may be provided along school bus routes when space is available for participants in early childhood family education programs and school readiness programs if these services do not result in an increase in the school district's expenditures for transportation. ~~(Minn. Stat. § 123B.88, Subd. 10, 11, 12, and 13)~~
- D. For purposes of stabilizing enrollment and reducing mobility, the school district may, in its discretion, establish a full-service school zone and may provide transportation for students attending a school in that full-service school zone. A full-service school zone may be established for a school that is located in an area with higher than average crime or other social and economic challenges and that provides education, health or human services, or other parental support in collaboration with a city, county, state, or nonprofit agency.

#### V. TRANSPORTATION OF NONRESIDENT STUDENTS

- A. If requested by the parent of a nonresident student, the school district shall provide transportation to a nonresident student within its borders at the same level of service that is provided to resident students. ~~(Minn. Stat. § 124D.04, Subd. 7; Minn. Stat. § 123B.92, Subd. 3)~~
- B. If the school district decides to transport a nonresident student within the student's resident district, the school district will notify the student's resident district of its

decision, in writing, prior to providing transportation. (~~Minn. Stat. § 123B.88, Subd. 6~~)

- C. When divorced or legally separated parents or parents residing separately reside in different school districts and share physical custody of a student, the parents shall be responsible for the transportation of the student to the border of the school district during those times when the student is residing with the parent in the nonresident school district. (~~Minn. Stat. § 127A.47, Subd. 3(b)~~)
- D. The school district may provide transportation to allow a student who attends a high-need English language learner program and who resides within the transportation attendance area of the program to continue in the program until the student completes the highest grade level offered by the program. (~~Minn. Stat. § 123B.92, Subd. 3(b)~~)

## **VI. TRANSPORTATION OF RESIDENT STUDENTS TO NONDISTRICT SCHOOLS**

- A. In general, the school district shall not provide transportation between a resident student's home and the border of a nonresident district where the student attends school under the Enrollment Options Program. A parent may be reimbursed by the nonresident district for the costs of transportation from the pupil's residence to the border of the nonresident district if the student is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week. (Minn. Stat. § 124D.03, Subd. 8)
- B. Resident students shall be eligible for transportation to and from a nonresident school district at the expense of the school district, if in the discretion of the school district, inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in the resident student's own district unreasonably difficult or impracticable. The school district, in its discretion, may also provide for transportation of resident students to schools in other districts for grades and departments not maintained in the district, including high school, for the whole or a part of the year or for resident students who attend school in a building rented or leased by the school district in an adjacent district. (~~Minn. Stat. § 123B.88, Subds. 1 and 4~~)
- C. In general, the school district is not responsible for transportation for any resident student attending school in an adjoining state under a reciprocity agreement but may provide such transportation services at its discretion. (~~Minn. Stat. § 124D.041~~)

## **VII. SPECIAL EDUCATION STUDENTS/STUDENTS WITH A DISABILITY/STUDENTS WITH TEMPORARY DISABILITIES**

- A. Upon a request of a parent or guardian, the board must provide necessary transportation, consistent with ~~Minn. Stat. §~~ **Minnesota Statutes section** 123B.92, ~~Subd. subdivision~~ 1(b)(4), for a resident child with a disability not yet enrolled in kindergarten for the provision of special instruction and services. Special instruction and services for a child with a disability not yet enrolled in kindergarten include an individualized education program (IEP) team placement in an early childhood program when that placement is necessary to address the child's level of functioning and needs. (~~Minn. Stat. § 123B.88, Subd. 1~~)
- B. Resident students with a disability whose ~~handicapped~~ **disabling** conditions are such that the student cannot be safely transported on the regular school bus and/or school bus route and/or when the student is transported on a special route for the purpose of attending an approved special education program shall be entitled to special transportation at the expense of the school district or the day training and habilitation program attended by the student. The school district shall determine the type of vehicle used to transport students with a disability on the basis of the ~~handicapping~~ **disabling** condition and applicable laws. This provision shall not be applicable to parents who transport their own child under a contract with the school district. (~~Minn. Stat. § 123B.88, Subd. 19; Minn. Rules Part 7470.1600~~)
- C. Resident students with a disability who are boarded and lodged at Minnesota state academies for educational purposes, but who also are enrolled in a public school within the school district, shall be provided transportation, by the school district to and from said board and lodging facilities, at the expense of the school district. (~~Minn. Stat. § 125A.65~~)
- D. If a resident student with a disability attends a public school located in a contiguous school district and the school district of attendance does not provide special instruction and services, the school district shall provide necessary transportation for the student between the school district boundary and the educational facility where special instruction and services are provided within the school district. The school district may provide necessary transportation of the student between its boundary and the school attended in the contiguous district, but shall not pay the cost of transportation provided outside the school district boundary. (~~Minn. Stat. § 125A.12~~)
- E. When a student with a disability or a student with a short-term or temporary disability is temporarily placed for care and treatment in a day program located in another school district and the student continues to live within the school district during the care and treatment, the school district shall provide the transportation, at the expense of the school district, to that student. The school district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the school district receives a copy of the order, then the school district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the school district during regular operating hours of the school district. (~~Minn. Stat. § 125A.15(b); Minn. Stat. § 125A.51(d)~~)

- F. When a nonresident student with a disability or a student with a short-term or temporary disability is temporarily placed in a residential program within the school district, including correctional facilities operated on a fee-for-service basis and state institutions, for care and treatment, the school district shall provide the necessary transportation at the expense of the school district. Where a joint powers entity enters into a contract with a privately owned and operated residential facility for the provision of education programs for special education students, the joint powers entity shall provide the necessary transportation. ~~(Minn. Stat. § 125A.15(c) and (d); Minn. Stat. § 125A.51(e))~~
- G. Each driver and aide assigned to a vehicle transporting students with a disability will be provided with appropriate training for the students in their care, will assist students with their safe ingress and egress from the bus, will ensure the proper use of protective safety devices, and will be provided with access to emergency health care information as required by law. ~~(Minn. Rules Part 7470.1700)~~
- H. Any parent of a student with a disability who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the alternative dispute resolution and due process procedures provided for in ~~Minn. Stat. Ch.~~ **Minnesota Statute Chapter** 125A. ~~(Minn. Rules Part 7470.1600, Subd. 2)~~

## VIII. HOMELESS STUDENTS

- A. Homeless students shall be provided with transportation services comparable to other students in the school district. ~~(42 U.S.C. § 11432(e)(3)(C)(i)(III)(cc) and (g)(4)(A))~~
- B. Upon request by the student's parent, guardian, or homeless education liaison, the school district shall provide transportation for a homeless student as follows:
  - 1. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements within the school district shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the school district. ~~(42 U.S.C. § 11432(g)(1)(J)(iii)(I))~~
  - 2. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements outside of the school district shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in the school district, unless the school district and the school district in which the student is temporarily placed agree that the school district in which the student is temporarily placed shall provide transportation. ~~(Minn. Stat. § 125A.51(f); 42 U.S.C. § 11432(g)(1)(J)(iii)(II))~~

3. If a nonresident student is homeless and is residing in a public or private homeless shelter or has other non-shelter living arrangements within the school district, the school district may provide transportation services between the shelter or non-shelter location and the student's school of origin outside of the school district upon agreement with the school district in which the school of origin is located. (~~Minn. Stat. § 125A.51(f)~~)
4. A homeless nonresident student enrolled under ~~Minn. Stat. §~~ **Minnesota Statute** 124D.08, ~~Subd.~~ **subdivision** 2a, must be provided transportation from the student's district of residence to and from the school of enrollment. (~~Minn. Stat. § 123B.92, Subd. 3(e)~~).

## **IX. AVAILABILITY OF SERVICES**

Transportation shall be provided on all regularly scheduled school days or make-up days. Transportation will not be provided during the summer school break. Transportation may be provided for summer instructional programs for students with a disability or in conjunction with a learning year program. Transportation between home and school may also be provided, in the discretion of the school district, on staff development days. (~~Minn. Stat. § 123B.88, Subd. 21~~)

## **X. MANNER OF TRANSPORTATION**

The scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, the determination of fees, and any other matter relating thereto shall be within the sole discretion, control and management of the school board. The school district may, in its discretion, provide room and board, in lieu of transportation, to a student who may be more economically and conveniently provided for by that means. (~~Minn. Stat. § 123B.88, Subd. 1~~)

## **XI. RESTRICTIONS**

Transportation by the school district is a privilege and not a right for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or violation of any other law governing student conduct on a school bus pursuant to the school district's discipline policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under 20 U.S.C. § **United States Code section** 1415 (Individuals with Disabilities Act), 29 U.S.C. § **United States Code section** 794 (the Rehabilitation Act), and 42 U.S.C. § **United States Code section** 12132, (Americans with Disabilities Act) are governed by these provisions. (~~Minn. Stat. § 121A.59~~)

## **XII. FEES**

- A. In its discretion, the school district may charge fees for transportation of students to and from extracurricular activities conducted at locations other than school,

where attendance is optional. (~~Minn. Stat. § 123B.36, Subd. 1(10)~~)

- B. The school district may charge fees for transportation of students to and from school when authorized by law. If the school district charges fees for transportation of students to and from school, guidelines shall be established for that transportation to ensure that no student is denied transportation solely because of inability to pay. The school district also may waive fees for transportation if the student's parent is serving in, or within the past year has served in, active military service as defined in ~~Minn. Stat. §~~ **Minnesota Statutes section** 190.05. (~~Minn. Stat. § 123B.36, Subds. 1(11) and 6~~)
- C. The school district may charge reasonable fees for transportation of students to and from post-secondary institutions for students enrolled under the post-secondary enrollment options program. Families who qualify for mileage reimbursement may use their state mileage reimbursement to pay this fee. (~~Minn. Stat. § 123B.36, Subd. 1(13)~~)
- D. Where, in its discretion, the school district provides transportation to and from an instructional community-based employment station that is part of an approved occupational experience vocational program, the school district may require the payment of reasonable fees for transportation from students who receive remuneration for their participation in these programs. (~~Minn. Stat. § 123B.36, Subd. 3~~)

**Legal References:** Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.59 (Bus Transportation is a Privilege Not a Right)  
Minn. Stat. § 123B.36 (Authorized Fees)  
Minn. Stat. § 123B.41 (~~Educational Aids for Nonpublic School Children;~~  
Definitions)  
Minn. Stat. § 123B.44 (Provision of Pupil Support Services)  
Minn. Stat. § 123B.88 (Independent School Districts, Transportation)  
Minn. Stat. § 123B.92 (Transportation Aid Entitlement)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.04 (**Option for Enrolling in Adjoining States**  
~~Enrollment Options Programs in Border States~~)  
Minn. Stat. § 124D.041 (Reciprocity with Adjoining States)  
Minn. Stat. § 124D.08 (School Board's Approval to Enroll in Nonresident  
District; **Exceptions**)  
Minn. Stat. Ch. 125A (~~Children With a Disability~~ **Special Education and**  
**Special Programs**)  
Minn. Stat. § 125A.02 (Children ~~W~~with a Disability, Defined)  
Minn. Stat. § 125A.12 (Attendance in Another District)  
Minn. Stat. § 125A.15 (Placement in Another District; Responsibility)  
Minn. Stat. § 125A.51 (Placement of Children Without Disabilities;  
Education and Transportation)  
Minn. Stat. § 125A.515 (Placement of Students; Approval of Education

Program)  
Minn. Stat. § 125A.65 (Attendance at Academies for the Deaf and Blind)  
Minn. Stat. § 126C.01 (~~General Education Revenue~~– Definitions)  
Minn. Stat. § 127A.47 (Payments to Resident and Nonresident Districts)  
Minn. Stat. § 190.05 (Definitions)  
Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)  
Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with **Disability**  
~~Disabilities~~)  
20 U.S.C. § 1415 (Individuals with Disabilities Education ~~Improvement~~  
~~Act of 2004~~)  
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 2000d (Prohibition ~~a~~Against Exclusion from Participation in,  
Denial of Benefits of, and Discrimination under Federally Assisted  
Programs on Ground of Race, Color, or National Origin)  
42 U.S.C. § 11431 *et seq.* (McKinney-Vento Homeless Assistance Act of  
2001)  
42 U.S.C. § 12132 *et seq.* (Americans ~~w~~With Disabilities Act)

***Cross References:*** MSBA/MASA Model Policy 708 (Transportation of Nonpublic School  
Students)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 710 (Extracurricular Transportation)  
~~MSBA Service Manual, Chapter 2, Transportation~~

Policy Adopted: April 2004/ May 2013

Revised: April 2007, June 2011, August 2020

Independent School District #110 Waconia, MN

7.C.31. 708 Transportation of Nonpublic School  
Students

## 708 TRANSPORTATION OF NONPUBLIC SCHOOL STUDENTS

*[Note: The obligations stated in this policy are largely governed by statute. ~~Statutory references are included throughout the policy.~~ A school district may choose to add obligations to the model policy.]*

### I. PURPOSE

The purpose of this policy is to address transportation rights of nonpublic school students and to provide equality of treatment in transporting such students pursuant to law.

### II. GENERAL STATEMENT OF POLICY

The policy of the school district is to recognize the rights of nonpublic school students and to provide equal transportation to those students as required by law.

### III. ELIGIBILITY

- A. The school district shall provide equal transportation within the school district for all students to any school when transportation is deemed necessary by the school district because of distance or traffic conditions in like manner and form as provided in ~~Minn. Stat. §~~ **Minnesota Statutes sections** 123B.88 and § 123B.92 when applicable. (~~Minn. Stat. § 123B.86, Subd. 1~~)
- B. Upon the request of a parent or guardian, the school district shall provide school bus transportation to the school district boundary for students residing in the school district at least the same distance from a nonpublic school actually attended in another school district as public school students are transported in the transporting school district. Such transportation shall be provided whether there is or is not another nonpublic school within the transporting school district, if the transportation is to schools maintaining grades or departments not maintained in the school district or if the attendance of such students at school can more safely, economically, or conveniently be provided for by such means. (~~Minn. Stat. § 123B.86, Subd. 2(a)~~)
- C. The school district may provide school bus transportation to a nonpublic school in another school district for students residing in the school district and attending that school, whether there is or is not another nonpublic school within the transporting school district, if the transportation is to schools maintaining grades or departments not maintained in the school district or if the attendance of such students at school can more safely, economically, or conveniently be provided for by such means. If the school district transports students to a nonpublic school located in another school district, the nonpublic school shall pay the cost of such transportation provided outside the school district boundaries. (~~Minn. Stat. § 123B.86, Subd. 2(b)~~)
- D. The school district shall provide the necessary transportation within school district

boundaries between the nonpublic school and a public school or neutral site for nonpublic school students who are provided pupil support services if the school district elects to provide pupil support services at a site other than a nonpublic school. (~~Minn. Stat. § 123B.44, Subd. 1~~)

- E. When transportation is provided, the scheduling of routes, manner and method of transportation, control and discipline of students, and any other matter relating thereto shall be within the sole discretion, control, and management of the school district. (~~Minn. Stat. § 123B.86, Subd. 3; Minn. Stat. § 123B.91, Subd. 1a~~)
- F. The school board and a nonpublic school may mutually agree to a written plan for the board to provide nonpublic pupil transportation to nonpublic school students. The school district must report the number of nonpublic school students transported and the nonpublic pupil transportation expenditures incurred in the form and manner specified by the Minnesota Commissioner of Education.
- G. If the school board provides pupil transportation through the school's employees, the school board may transport nonpublic school students according to the plan and retain the nonpublic pupil transportation aid attributable to that plan. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services not required under Minnesota Statutes, sections 123B.84 to 123B.87.
- H. A school board that contracts for pupil transportation services may enter into a contractual arrangement with a school bus contractor according to the written plan adopted by the school board and the nonpublic school to transport nonpublic school students and retain the nonpublic pupil transportation aid attributable to that plan for the purposes of paying the school bus contractor. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services included in the contract that are not required under Minnesota Statutes, sections 123B.84 to 123B.87.
- I. Additional transportation to and from a nonpublic school may be provided at the expense of the school district where such services are provided in the discretion of the school district.

#### **IV. STUDENTS WITH DISABILITIES**

- A. If a resident student with a disability attends a nonpublic school located within the school district, the school district shall provide necessary transportation for the student within the school district between the nonpublic school and the educational facility where special instruction and services are provided on a shared-time basis. If a resident student with a disability attends a nonpublic school located in another school district and if no agreement exists for the provision of special instruction and services on a shared time basis to that student by the school district of attendance and where the special instruction and services

are provided within the school district, the school district shall provide necessary transportation for that student between the school district boundary and the educational facility. The school district may provide necessary transportation for that student between its boundary and the nonpublic school attended, but the nonpublic school shall pay the cost of transportation provided outside the school district. School districts may make agreements for who provides transportation. Parties serving students on a shared time basis have access to a due process hearing system as provided by law. (Minn. Stat. § 125A.18)

- B. When the disabling conditions of a student with a disability are such that the student cannot be safely transported on the regular school bus and/or school bus route and/or when the student is transported on a special route for the purpose of attending an approved special education program shall be entitled to special transportation at the expense of the school district or the day training and habilitation program attended by the student. The school district shall determine the type of vehicle used to transport students with a disability on the basis of the disabling conditions and applicable laws. This section shall not be applicable to parents who transport their own child under a contract with the school district. (Minn. Stat. § 123B.88, Subd. 19; Minn. Rules Part 7470.1600, Subd. 1)
- C. Each driver and aide assigned to a vehicle transporting students with a disability will be provided with appropriate training for the students in their care, will assist students with their safe ingress and egress from the bus, will ensure the proper use of protective safety devices, and will be provided with access to emergency health care information as required by law. (Minn. Rules Part 7470.1700)
- D. Any parent of a student with a disability who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the alternative dispute resolution and due process procedures provided for in Minn. Stat. Ch. 125A. (Minn. Rules Part 7470.1600, Subd. 2)

## V. APPLICATION OF GENERAL POLICY

The provisions of the school district's policy on transportation of public school students [*Model Policy 707*] shall apply to the transportation of nonpublic school students except as specifically provided herein.

**Legal References:** Minn. Stat. § 123B.44 (Provision of Pupil Support Services)  
Minn. Stat. § 123B.84 (Policy)  
Minn. Stat. § 123B.86 (Equal Treatment)  
Minn. Stat. § 123B.88 (Independent School Districts, Transportation)  
Minn. Stat. § 123B.91, Subd. 1a (Compliance by Nonpublic and Charter School Students)  
Minn. Stat. § 123B.92 (Transportation Aid Entitlement)  
Minn. Stat. Ch. 125A (Children With a Disability)  
Minn. Stat. § 125A.18 (Special Instruction; Nonpublic Schools)  
Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)

Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disabilities)

*Americans United, Inc. as Protestants and Other Am. United for Separation of Church and State, et al. v. Independent Sch. Dist. No. 622, et al.*, 288 Minn. 1996, 179 N.W.2d 146 (Minn. 1970)

*Eldredge v. Independent Sch. Dist. No. 625*, 422 N.W.2d 319 (Minn. Ct. App. 1988)

*Healy v. Independent Sch. Dist. No. 625*, 962 F.2d 1304 (8<sup>th</sup> Cir. 1992)

Minn. Op. Atty. Gen. 166a-7 (June 3, 1983)

Minn. Op. Atty. Gen. 166a-7 (Sept. 14, 1981)

Minn. Op. Atty. Gen. 166a-7 (July 15, 1976)

Minn. Op. Atty. Gen. 166a-7 (July 17, 1970)

Minn. Op. Atty. Gen. 166a-7 (Oct. 3, 1969)

Minn. Op. Atty. Gen. 166a-7 (Sept. 12, 1969)

***Cross References:*** MSBA/MASA Model Policy 707 (Transportation of Public School Students)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA Service Manual, Chapter 2, Transportation

Policy Adopted: September 2004, April 2007, November 2008

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Independent School District #110 Waconia, MN

7.C.32. 709 Student Transportation Safety Policy

## 709 STUDENT TRANSPORTATION SAFETY POLICY

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

### I. PURPOSE

The purpose of this policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership.

### II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING

#### A. School Bus Safety Week

The school district may designate a school bus safety week. The National School Bus Safety Week is the third week in October.

#### B. Student **School Bus Safety** Training

1. The school district shall provide students enrolled in grades kindergarten (K) through 10 with age-appropriate school bus safety training of the following concepts:
  - a. transportation by school bus is a privilege, not a right;
  - b. school district policies for student conduct and school bus safety;
  - c. appropriate conduct while on the bus;
  - d. the danger zones surrounding a school bus;
  - e. procedures for safely boarding and leaving a school bus;
  - f. procedures for safe vehicle lane crossing; and
  - g. school bus evacuation and other emergency procedures.
2. All students in grades K through 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training by the end of the third week of school. All students in grades 7 through 10 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training or receive bus safety instruction materials by the end of the sixth week of school, if they have not previously received school bus training. Students in grades K through 10 who enroll in a school after the second week of school, are transported by school bus, and have not received training in their previous school districts shall undergo school bus safety training or receive bus safety instructional materials within 4 weeks of their first day of attendance.

3. The school district and a nonpublic school with students transported by school bus at public expense must provide students enrolled in grades K through 3 school bus safety training twice during the school year.
4. Students taking driver's training instructional classes must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus as required by Minn. Stat. § 169.446, Subd. 2.
5. The school district and a nonpublic school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.
6. The school district will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
- ~~7. The school district may provide kindergarten students with school bus safety training before the first day of school.~~
87. The school district may provide student safety education for bicycling and pedestrian safety for students in grades K through 5.
98. The school district shall adopt and make available for public review a curriculum for transportation safety education.
109. Nonpublic school students transported by the school district will receive school bus safety training by their nonpublic school. The nonpublic schools may use the school district's school transportation safety education curriculum. Upon request by the school district superintendent, the nonpublic school must certify to the school district's school transportation safety director that all students enrolled in grades K through 10 have received the appropriate training.

### C. Active Transportation Safety Training

#### 1. Training required

- a. The school district must provide public school pupils enrolled in kindergarten through grade 3 with age-appropriate active transportation safety training. At a minimum, the training must include pedestrian safety, including crossing roads.
- b. The school district must provide pupils enrolled in grades 4 through 8 with age-appropriate active transportation safety training. At a minimum, the training must include:

- (1) pedestrian safety, including crossing roads safely using the searching left, right, left for vehicles in traffic technique; and
- (2) bicycle safety, including relevant traffic laws, use and proper fit of protective headgear, bicycle parts and safety features, and safe biking techniques.

## 2. Deadlines.

- a. Students under subdivision 1, paragraph (a), who are enrolled during the first or second week of school and have not previously received active transportation safety training specified in that paragraph must receive the safety training by the end of the third week of school.
- b. Students under subdivision 1, paragraph (b), who are enrolled during the first or second week of school and have not previously received active transportation safety training specified in that paragraph must receive the safety training by the end of the sixth week of school.
- c. Students under subdivision 1, paragraph (a) or (b), who enroll in a school after the second week of school and have not received the appropriate active transportation safety training in their previous school district must undergo the training or receive active transportation safety instructional materials within four weeks of the first day of attendance.
- d. The school district and a nonpublic school may provide kindergarten pupils with active transportation safety training before the first day of school.

## 3. Instruction

- a. The school district may provide active transportation safety training through distance learning.
- b. The district and a nonpublic school must make reasonable accommodations for the active transportation safety training of pupils known to speak English as a second language and pupils with disabilities.

### **III. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR**

- A. Riding the school bus is a privilege, not a right. The school district's general student behavior rules are in effect for all students on school buses, including nonpublic and charter school students.

B. Consequences for school bus/bus stop misconduct will be imposed by the school district under adopted administrative discipline procedures. In addition, all school bus/bus stop misconduct will be reported to the school district's transportation safety director. Serious misconduct may be reported to local law enforcement.

1. School Bus and Bus Stop Rules. The school district school bus safety rules are to be posted on every bus. If these rules are broken, the school district's discipline procedures are to be followed. In most circumstances, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the school district's Transportation Office/School Office.

2. Rules at the Bus Stop

- a. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will not wait for late students.
- b. Respect the property of others while waiting at your bus stop.
- c. Keep your arms, legs, and belongings to yourself.
- d. Use appropriate language.
- e. Stay away from the street, road, or highway when waiting for the bus.
- f. Wait until the bus stops before approaching the bus.
- g. After getting off the bus, move away from the bus.
- h. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
- i. No fighting, harassment, intimidation, or horseplay.
- j. No use of alcohol, tobacco, or drugs.

3. Rules on the Bus

- a. Immediately follow the directions of the driver.
- b. Sit in your seat facing forward.
- c. Talk quietly and use appropriate language.

- d. Keep all parts of your body inside the bus.
- e. Keep your arms, legs, and belongings to yourself.
- f. No fighting, harassment, intimidation, or horseplay.
- g. Do not throw any object.
- h. No eating, drinking, or use of alcohol, tobacco, or drugs.
- i. Do not bring any weapons or dangerous objects on the school bus.
- j. Do not damage the school bus.

4. Consequences

- a. Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with cocurricular and extracurricular events (for example, field trips or competitions) will be in the sole discretion of the school district. Parents or guardians will be notified of any suspension of bus privileges.

(1) Elementary (K-6)

1st offense – warning

2nd offense – 3 school-day suspension from riding the bus

3rd offense – 5 school-day suspension from riding the bus

4th offense – 10 school-day suspension from riding the bus/meeting with parent

Further offenses – individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.

(2) Secondary (7-12)

1st offense – warning

2nd offense – 5 school-day suspension from riding the bus

3rd offense – 10 school-day suspension from riding the bus

4th offense – 20 school-day suspension from riding the bus/meeting with parent

5th offense – suspended from riding the bus for the remainder of the school year

Note: When any student goes 60 transportation days without a report, the student's consequences may start over at the first offense.

(3) Other Discipline

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school bus/bus stop misconduct.

(4) Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a school bus or in a bus-loading or unloading area that are reasonably believed to cause an immediate and substantial danger to the student or surrounding persons or property shall be provided by the school district to local law enforcement and the Department of Public Safety in accordance with state and federal law.

(5) Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within 2 weeks may result in the loss of bus privileges until damages are paid.

(6) Notice

School bus and bus stop rules and consequences for violations of these rules will be reviewed with students annually and copies of these rules will be made available to students. School bus rules are to be posted on each school bus.

(7) Criminal Conduct

In cases involving criminal conduct (for example, assault, weapons, drug possession, or vandalism), the appropriate school district personnel and local law enforcement officials will be informed.

#### **IV. PARENT AND GUARDIAN INVOLVEMENT**

A. Parent and Guardian Notification

The school district school bus and bus stop rules will be provided to each family. Parents and guardians are asked to review the rules with their children.

**B. Parents/Guardians Responsibilities for Transportation Safety**

Parents/Guardians are responsible to:

1. Become familiar with school district rules, policies, regulations, and the principles of school bus safety, and thoroughly review them with their children;
2. Support safe riding and walking practices, and recognize that students are responsible for their actions;
3. Communicate safety concerns to their school administrators;
4. Monitor bus stops, if possible;
5. Have their children to the bus stop 5 minutes before the bus arrives;
6. Have their children properly dressed for the weather; and
7. Have a plan in case the bus is late.

**V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES**

- A. School bus drivers shall have a valid Class A, B, or C Minnesota driver's license with a school bus endorsement. A person possessing a valid driver's license, without a school bus endorsement, may drive a type III vehicle set forth in Sections VII.B. and VII.C., below. Drivers with a valid Class D driver's license, without a school bus endorsement, may operate a "type A-I" school bus as set forth in Section VII.D., below.
- B. The school district shall conduct mandatory drug and alcohol testing of all school district bus drivers and bus driver applicants in accordance with state and federal law and school district policy.
- C. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of a criminal offense, a serious traffic violation, or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in a state or jurisdiction other than Minnesota, shall notify the Minnesota Division of Driver and Vehicle Services (Division) of the conviction within 30 days of the conviction. For purposes of this paragraph, a "serious traffic violation" means a conviction of any of the following offenses:
  1. excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
  2. reckless driving;

3. improper or erratic traffic lane changes;
  4. following the vehicle ahead too closely;
  5. a violation of state or local law, relating to motor vehicle traffic control, arising in connection with a fatal accident;
  6. driving a commercial vehicle without obtaining a commercial driver's license or without having a commercial driver's license in the driver's possession.
- D. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of violating, in any type of motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control, other than a parking violation, shall notify the person's employer of the conviction within 30 days of conviction. The notification shall be in writing and shall contain all the information set forth in Attachment A accompanying this policy.
- E. A school bus driver, with the exception of a driver operating a type A-I school bus, who has a Minnesota commercial driver's license suspended, revoked, or cancelled by the state of Minnesota or any other state or jurisdiction and who loses the right to operate a commercial vehicle for any period or who is disqualified from operating a commercial motor vehicle for any period shall notify the person's employer of the suspension, revocation, cancellation, lost privilege, or disqualification. Such notification shall be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification. The notification shall be in writing and shall contain all the information set forth in Attachment B accompanying this policy.
- F. A person who operates a type III vehicle and who sustains a conviction as described in Section VII.C.1.g. (i.e., driving while impaired offenses), VII.C.1.h. (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor), or VII.C.1.i. (multiple moving violations) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the person's employer within 10 days of the date of the conviction. The notification shall be in writing and shall contain all the information set forth in Attachment C accompanying this policy.

## **VI. SCHOOL BUS DRIVER TRAINING**

### **A. Training**

1. All new school bus drivers shall be provided with pre-service training,

including in-vehicle (actual driving) instruction, before transporting students and shall meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual. All school bus drivers shall receive in-service training annually. For purposes of this section, “annually” means at least once every 380 days from the initial or previous evaluation and at least once every 380 days from the initial or previous license verification. The school district shall retain on file an annual individual school bus driver “evaluation certification” form for each school district driver as contained in the Model School Bus Driver Training Manual.

***[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]***

2. All bus drivers operating a type III vehicle will be provided with annual training and certification as set forth in Section VII.C.1.b., below, by either the school district or the entity from whom such services are contracted by the school district.

B. Evaluation

School bus drivers with a Class D license will be evaluated annually and all other bus drivers will be assessed periodically for the following competencies:

1. Safely operate the type of school bus the driver will be driving;
2. Understand student behavior, including issues relating to students with disabilities;
3. Ensure orderly conduct of students on the bus and handling incidents of misconduct appropriately;
4. Know and understand relevant laws, rules of the road, and local school bus safety policies;
5. Handle emergency situations; and
6. Safely load and unload students.

The evaluation must include completion of an individual “school bus driver evaluation form” (road test evaluation) as contained in the Model School Bus Driver Training Manual.

***[Note: The school district may use alternative assessments rather than those set forth in the Model School Bus Driver Training Manual for bus driver training competencies with the approval of the Commissioner of Public Safety. A driver also may receive at least 8 hours of school bus in-service training in any year as an alternative to being assessed for bus driver competencies after the initial year of being assessed for bus***

*driver competencies.]*

## VII. OPERATING RULES AND PROCEDURES

### A. General Operating Rules

1. School buses shall be operated in accordance with state traffic and school bus safety laws and the procedures contained in the Minnesota Department of Public Safety Model School Bus Driver Training Manual.

***[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]***

2. Only students assigned to the school bus by the school district shall be transported. The number of students or other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.
3. The parent/guardian may designate, pursuant to school district policy, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet all other eligibility requirements.
4. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
5. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.

***[Note: A school district is not required to comply with Section VII.A.5. if the school board determines that alternative locations block traffic, impair student safety, or are not cost effective.]***

6. A bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion or a part of traffic. For purposes of this paragraph, “school bus” has the meaning given in Minn. Stat. § 169.011, Subd. 71. In addition, “school bus” also includes type III vehicles when driven by employees or agents of the school district. “Cellular phone” means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service.

### B. Type III Vehicles

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. ~~A type III vehicle cannot be older than 12 years old unless excepted by state and federal law.~~ **Vehicles model year 2007 or older must not be used as type III vehicles to transport school children, except those vehicles that are manufactured to meet the structural requirements of federal motor vehicle safety standard 222, Code of Federal Regulations, title 49, part 571.**
5. If a type III vehicle is school district owned, the school district name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.
9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any type III vehicle used to transport students must carry emergency equipment including:
  - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver's

compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.

- b. First aid kit and body fluids cleanup kit. A minimum of a 10-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.
  - c. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
- 11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The school district has no system of inspection for private vehicles.
  - 12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school district will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.
  - 13. Type III vehicles will be equipped with child passenger restraints, and child passenger restraints will be utilized to the extent required by law.

C. Type III Vehicle Driven by Employees with a Driver's License Without a School Bus Endorsement

- 1. The holder of a Class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:
  - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the school district.
  - b. The operator's employer, which may include the school district, has adopted and implemented a policy that provides for annual training and certification of the operator in:
    - (1) safe operation of a type III vehicle;

- (2) understanding student behavior, including issues relating to students with disabilities;
- (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
- (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
- (5) handling emergency situations;
- (6) proper use of seat belts and child safety restraints;
- (7) performance of pretrip vehicle inspections;
- (8) safe loading and unloading of students, including, but not limited to:
  - (a) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;
  - (b) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
  - (c) avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location;
  - (d) placing the type III vehicle in “park” during loading and unloading;
  - (e) escorting a student across the road under clause (c) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and
- (9) compliance with paragraph V.F. concerning reporting convictions to the employer within 10 days of the date of conviction.

c. A background check or background investigation of the operator

has been conducted that meets the requirements under ~~Minn. Stat. § Minnesota Statute section~~ 122A.18, ~~Subd. subdivision~~ 8, or ~~Minn. Stat. § Minnesota Statute section~~ 123B.03 for school district employees; ~~Minn. Stat. § Minnesota Statute section~~ 144.057 or ~~Minn. Stat. Ch. Minnesota Statute Chapter~~ 245C for day care employees; or ~~Minn. Stat. § Minnesota Statute section~~ 171.321, ~~Subd. subdivision~~ 3, for all other persons operating a type III vehicle under this section.

- d. Operators shall submit to a physical examination as required by ~~Minn. Stat. § Minnesota Statute section~~ 171.321, ~~Subd. subdivision~~ 2.
- e. The operator's employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer's policy under ~~Minn. Stat. § Minnesota Statute section~~ 181.951, ~~Subds. subdivision~~ 2, 4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a breathalyzer or similar device to fulfill random alcohol testing requirements.
- f. The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required by ~~Minn. Stat. § Minnesota Statute section~~ 171.321, ~~Subd. subdivision~~ 5.
- g. A person who sustains a conviction, as defined under ~~Minn. Stat. § Minnesota Statute section~~ 609.02, of violating ~~Minn. Stat. § Minnesota Statute section~~ 169A.25, § 169A.26, § 169A.27 (driving while impaired offenses), or § 169A.31 (alcohol-related school bus driver offenses), or whose driver's license is revoked under ~~Minn. Stat. § Minnesota Statute sections~~ 169A.50 to 169A.53 of the implied consent law, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for 5 years from the date of conviction.
- h. A person who has ever been convicted of a disqualifying offense as defined in ~~Minn. Stat. § Minnesota Statute section~~ 171.3215, ~~Subd. subdivision~~ 1(c), (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
- i. A person who sustains a conviction, as defined under ~~Minn. Stat. § Minnesota Statute section~~ 609.02, of a moving offense in violation of ~~Minn. Stat. Ch. Minnesota Statute Chapter~~ 169 within 3 years of

the first of 3 other moving offenses is precluded from operating a type III vehicle for 1 year from the date of the last conviction.

- j. Students riding the type III vehicle must have training required under ~~Minn. Stat. §~~ **Minnesota Statute section 123B.90, Subd. subdivision 2** (See Section II.B., above).
  - k. Documentation of meeting the requirements listed in this section must be maintained under separate file at the business location for each type III vehicle operator. The school district or any other entity that owns, leases, or contracts for the type III vehicle operating under this section is responsible for maintaining these files for inspection.
- 2. The type III vehicle must bear a current certificate of inspection issued under ~~Minn. Stat. §~~ **Minnesota Statute section 169.451**.
  - 3. An employee of the school district who is not employed for the sole purpose of operating a type III vehicle may, in the discretion of the school district, be exempt from paragraphs VII.C.1.d. (physical examination) and VII.C.1.e. (drug testing), above.

D. Type A-I “Activity” Buses Driven by Employees with a Driver’s License Without a School Bus Endorsement

- 1. The holder of a Class D driver’s license, without a school bus endorsement, may operate a type A-I school bus or a Multifunction School Activity Bus (MFSAB) under the following conditions:
  - a. The operator is an employee of the school district or an independent contractor with whom the school district contracts for the school bus and is not solely hired to provide transportation services under this paragraph.
  - b. The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.
  - c. The operator is prohibited from using the 8-light system if the vehicle is so equipped.
  - d. The operator has submitted to a background check and physical examination as required by ~~Minn. Stat. §~~ **Minnesota Statute section 171.321, Subd. subdivision 2**.
  - e. The operator has a valid driver’s license and has not sustained a conviction of a disqualifying offense as set forth in ~~Minn. Stat. §~~ **Minnesota Statute section 171.02, Subd. subdivisions 2a(h) - 2a(j)**.

- f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration’s “Guideline for the Safe Transportation of Pre-school Age Children in School Buses,” if child safety restraints are used by passengers, in addition to the training required in Section VI., above.
  - g. The bus has a gross vehicle weight rating of 14,500 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
2. The school district shall maintain annual certification of the requirements listed in this section for each Class D license operator.
  3. A school bus operated under this section must bear a current certificate of inspection.
  4. The word “School” on the front and rear of the bus must be covered by a sign that reads “Activities” when the bus is being operated under authority of this section.

**VIII. SCHOOL DISTRICT EMERGENCY PROCEDURES**

- A. If possible, school bus drivers or their supervisors shall call “911” or the local emergency phone number in the event of a serious emergency.
- B. School bus drivers shall meet the emergency training requirements contained in Unit III “Crash & Emergency Preparedness” of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).

***[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]***

- C. School bus drivers and bus assistants for special education students requiring special transportation service because of their handicapping condition shall be trained in basic first aid procedures, shall within **one (1)** month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities, assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.
- D. Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of their handicapping condition. The information shall state:

1. the student's name and address;
2. the nature of the student's disabilities;
3. emergency health care information; and
4. the names and telephone numbers of the student's physician, parents, guardians, or custodians, and some person other than the student's parents or custodians who can be contacted in case of an emergency.

#### **IX. SCHOOL DISTRICT VEHICLE MAINTENANCE STANDARDS**

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the school district.
- B. All school vehicles shall be state inspected in accordance with legal requirements.
- C. A copy of the current daily pre-trip inspection report must be carried in the bus. Daily pre-trip inspections shall be maintained on file in accordance with the school district's record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.
- D. Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism.

#### **X. SCHOOL TRANSPORTATION SAFETY DIRECTOR**

The school board has designated an individual to serve as the school district's school transportation safety director. The school transportation safety director shall have day-to-day responsibility for student transportation safety, including transportation of nonpublic school children when provided by the school district. The school transportation safety director will assure that this policy is periodically reviewed to ensure that it conforms to law. The school transportation safety director shall certify annually to the school board that each school bus driver meets the school bus driver training competencies required by Minn. Stat. § 171.321, Subd. 4. The transportation safety director also shall annually verify or ensure that the private contractor utilized by the school has verified the validity of the driver's license of each employee who regularly transports students for the school district in a type A, B, C, or D school bus, type III vehicle, or MFSAB with the National Driver Register or the Department of Public Safety. Upon request of the school district superintendent or the superintendent of the school district where nonpublic students are transported, the school transportation safety director also shall certify to the superintendent that students have received school bus safety training in accordance with state law. The name, address and telephone number of the school transportation safety director are on file in the school district office. Any questions regarding student transportation or this policy may be addressed to the school transportation safety director.

#### **XI. STUDENT TRANSPORTATION SAFETY COMMITTEE**

The school board may establish a student transportation safety committee. The chair of the student transportation safety committee is the school district's school transportation safety director. The school board shall appoint the other members of the student transportation safety committee. Membership may include parents, school bus drivers, representatives of school bus companies, local law enforcement officials, other school district staff, and representatives from other units of local government.

**Legal References:** Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. § 123B.42 (Textbooks; Individual Instructor or Cooperative Learning Material; Standard Tests)  
Minn. Stat. § 123B.88 (Independent School Districts; Transportation)  
Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)  
Minn. Stat. § 123B.90 (School Bus Safety Training)  
Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)  
**Minn. Stat. § 123B.935 (Active Transportation Safety Training)**  
Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)  
Minn. Stat. Ch. 169 (Traffic Regulations)  
Minn. Stat. § 169.011, Subds. 15, 16, and 71 (Definitions)  
Minn. Stat. § 169.02 (Scope)  
Minn. Stat. § 169.443 (Safety of School Children; Bus Driver's Duties)  
Minn. Stat. § 169.446, Subd. 2 (Driver Training Programs)  
Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)  
Minn. Stat. § 169.454 (Type III Vehicle Standards)  
Minn. Stat. § 169.4582 (Reportable Offense on School Buses)  
Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)  
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)  
Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)  
Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)  
Minn. Stat. § 171.168 (Notification of Conviction for Violation by a Commercial Driver)  
Minn. Stat. § 171.169 (Notification of Suspension of License of Commercial Driver)  
Minn. Stat. § 171.321 (Qualifications of School Bus Driver)  
Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)  
Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)  
Minn. Stat. Ch. 245C (Human Services Background Studies)  
Minn. Stat. § 609.02 (Definitions)  
Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)  
49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)

49 C.F.R. § 383.33 (Notification of Driver's License Suspensions)  
49 C.F.R. § 383.5 (Transportation Definitions)  
49 C.F.R. Part 571 (Federal Motor Vehicle Safety Standards)

***Cross References:*** MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 707 (Transportation of Public Students)  
MSBA/MASA Model Policy 708 (Transportation of Nonpublic Students)  
MSBA/MASA Model Policy 710 (Extracurricular Transportation)

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Independent School District 110  
Waconia, MN

7.C.33. 711 Videotaping

## 711 VIDEO RECORDING ON SCHOOL BUSES

### I. PURPOSE

The transportation of students to and from school is an important function of the school district, and transportation by the school district is a privilege and not a right for an eligible student. The behavior of students and employees on the bus is a significant factor in the safety and efficiency of school bus transportation. Student and employee misbehavior increases the potential risks of injury. Therefore, the school district believes that video recording student passengers and employees on the school bus will encourage good behavior and, as a result, promote safety. The purpose of this policy is to establish a school bus video recording system.

### II. GENERAL STATEMENT OF POLICY

#### A. Placement

1. Each and every school bus owned, leased, contracted, and/or operated by the school district shall be equipped with a fully enclosed box for placement and operation of a video camera and conspicuously placed signs notifying riders that their conversations or actions may be recorded.
2. A video camera will not necessarily be installed in each and every school bus owned, leased, contracted, and/or operated by the school district, but cameras may be rotated from bus to bus without prior notice to students.
3. Video cameras will be placed on a particular school bus, to the extent possible, where the school district has received complaints of inappropriate behavior.

#### B. Use of Video Recordings

1. A video recording of the actions of student passengers and/or employees may be used by the school district as evidence in any disciplinary action brought against any student or employee arising out of the student's or employee's conduct on the bus.
2. A video recording will be released only in conformance with 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** and the rules and/or regulations promulgated thereunder.
3. Video recordings will be viewed by school district personnel on a random basis and/or when discipline problems on the bus have been brought to the attention of the school district.

4. A video recording will be retained by the school district until relooped or until the conclusion of disciplinary proceedings in which the video recording is used for evidence.

*[Note: School districts should review their record retention policies/schedules as to the stated retention period for school bus video recordings. The retention time period in the retention schedule should be consistent with the retention time period set forth in this policy. The January 2000 School District General Records Retention Schedule, adopted by many school districts, provides that building security/transportation video recordings are to be retained until relooped.]*

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.585 (Notice of Recording Device)  
Minn. Stat. § 138.17 (Government Records, Administration)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 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 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)  
~~MSBA Service Manual, Chapter 2, Transportation~~

Policy Adopted: April 2004, April 2007

Amended: October 2020

Independent School District #110 Waconia, MN

7.C.34. 712 Video Surveillance Other than on  
Buses

## 712 VIDEO SURVEILLANCE OTHER THAN ON BUSES

[See Model Policy 711 for Video Recording on School Buses]

### I. PURPOSE

Maintaining the health, welfare, and safety of students, staff, and visitors while on school district property and the protection of school district property are important functions of the school district. The behavior of individuals who come on to school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school district property. The school board recognizes the value of video/electronic surveillance systems in monitoring activity on school property in furtherance of protecting the health, welfare, and safety of students, staff, visitors, and school district property.

### II. GENERAL STATEMENT OF POLICY

#### A. Placement

1. School district buildings and grounds may be equipped with video cameras.
2. Video surveillance may occur in any school district building or on any school district property.
3. Video surveillance will normally not be used in bathrooms or locker rooms, although these areas may be placed under surveillance by individuals of the same sex as the occupants of the bathrooms or locker rooms. Video surveillance in bathrooms or locker rooms will only be utilized in extreme situations, with extraordinary controls, and only as expressly approved by the superintendent.

#### B. Use of Video Recordings

1. Video recordings will be viewed by school district personnel on a random basis and/or when problems have been brought to the attention of the school district.
2. A video recording of the actions of students and/or employees may be used by the school district as evidence in any disciplinary action brought against any student or employee arising out of the student's or employee's conduct in school district buildings or on school grounds.
3. A video recording will be released only in conformance with 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, and the rules and/or regulations promulgated thereunder.

#### C. Security and Maintenance

1. The school district shall establish appropriate security safeguards to ensure that video recordings are maintained and stored in conformance with 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**, and the rules and/or regulations promulgated thereunder.
2. The school district shall ensure that video recordings are retained in accordance with the school district's records retention schedule.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.585 (Notice of Recording Device)  
Minn. Stat. § 138.17 (Government Records; Administration)  
Minn. Stat. § 609.746 (Interference with Privacy)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 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 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
~~MSBA Service Manual, Chapter 2, Transportation~~

Policy Adopted: April 2004, April 2007  
Revised: August 2020  
Independent School District #110  
Waconia, MN

7.C.35. 713 Student Activity Accounting

## 713 STUDENT ACTIVITY ACCOUNTING

### I. PURPOSE

The school board recognizes the need to provide alternative paths to learning, skill development for its students, and activities for student enjoyment. It also understands its commitment to and obligation for assuring maximum accountability for public funds and student activity funds. For these reasons, the school board will assume control over and/or oversee funds for student activities as set forth in this policy.

### II. GENERAL STATEMENT OF POLICY

#### A. Curricular and Cocurricular Activities

The school board shall take charge of, control over, and account for all student activity funds that relate to curricular and cocurricular activities.

*[Note: The school board is required by ~~Minn. Stat. §~~ **Minnesota Statutes section 123B.49, Subd. subdivision 2**, to take charge of and control over all cocurricular activities, including all money received for such activities.]*

#### B. Extracurricular Activities

The school board shall take charge of and control over all student activity accounting that relates to extracurricular activities.

*[Note: The school board is required by ~~Minn. Stat. §~~ **Minnesota Statutes section 123B.49, Subd. subdivision 4**, to take charge of and control over all extracurricular activities, including all money received for such activities.]*

#### C. Non-Student Activities

In overseeing student activity accounts under this policy, the school board shall not maintain or account for funds generated by non-students including, but not limited to, convenience funds of staff members, booster club funds, parent-teacher organization or association funds, or funds donated to the school district for specified purposes other than student activities.

### III. DEFINITIONS

#### A. Cocurricular Activity

A “cocurricular activity” means those portions of the school-sponsored and directed activities designed to provide opportunities for students to participate in such experiences on an individual basis or in groups, at school and at public events, for improvement of skills (i.e., interscholastic sports, band, etc.).

Cocurricular activities are not offered for school credit, cannot be counted toward graduation, and have *one or more* of the following characteristics:

1. They are conducted at regular and uniform times during school hours, or at times established by school authorities;
2. They are directed or supervised by instructional staff in a learning environment similar to that found in courses offered for credit; and
3. They are partially, primarily, or totally funded by public moneys for general instructional purposes under direction and control of the school board.

B. Curricular Activity

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

C. Extracurricular (Noncurricular/Supplementary) Activity

An “extracurricular (noncurricular/supplementary) activity” means all direct and personal services for students for their enjoyment that are managed and operated under the guidance of an adult or staff member. Extracurricular activities have *all* of 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 by the participants and approved by school authorities;
3. The content of the activities is determined primarily by the student participants under the guidance of a staff member or other adult.

D. Public Purpose Expenditure

A “public purpose expenditure” is one which benefits the community as a whole, is directly related to the functions of the school district, and does not have as its primary objective the benefit of private interest.

#### IV. **MANAGEMENT AND CONTROL OF ACTIVITY FUNDS**

A. Curricular and Cocurricular Activities

1. All money received on account of cocurricular activities shall be turned over to the treasurer, who shall deposit such funds in the general fund, to be disbursed for expenses and salaries connected with the activities, or otherwise, by the school board upon properly allowed itemized claims.

2. The treasurer shall account for all revenues and expenditures related to curricular and cocurricular activities in accordance with the Uniform Financial Accounting and Reporting Standards (UFARS) and school district policies and procedures.

B. Extracurricular Activities

1. Any and all costs of extracurricular activities may be provided from school revenues.
2. All money received or expended for extracurricular activities shall be recorded in the same manner as other revenues and expenditures of the school district and shall be turned over to the treasurer, who shall deposit such funds in the general fund, to be disbursed for expenses and salaries connected with the activities, or otherwise, by the school board upon properly allowed itemized claims.
3. The treasurer shall account for all revenues and expenditures related to extracurricular activities in accordance with UFARS and school district policies and procedures.
4. All student activity funds will be collected and expended:
  - a. in compliance with school district policies and procedures;
  - b. under the general direction of the principal and with the participation of students and faculty members who are responsible for generating the revenue;
  - c. in a manner which does not produce a deficit or an unreasonably large accumulation of money to a particular student activity fund;
  - d. for activities which directly benefit the majority of those students making the contributions in the year the contributions were made whenever possible; and
  - e. in a manner which meets a public purpose.
5. Activity accounts of a graduated class will be terminated prior to the start of the school year following graduation. Any residual money from a graduating class activity fund will remain in the general fund and may be used for any school district purpose. Prior to depositing such accounts, all donations or gifts accepted for the specific purpose of the student activity account shall be administered in accordance with the terms of the gift or donation and school district policy.

**V. DEMONSTRATION OF ACCOUNTABILITY**

A. Annual External Audit

The school board shall direct its independent certified public accountants to audit, examine, and report upon student activity accounts as part of its annual school district audit in accordance with state law.

B. Fundraising Proposals

The superintendent will present fundraising proposals which will be reviewed by the school board. The proposals will list the activity, type of fundraisers, timing, purpose, and estimated results.

***[Note: The school board should conduct periodic reviews of student fundraising. The manner in which such reviews are conducted is in the discretion of the school board.]***

***Legal References:***

Minn. Stat. § 123B.02, Subd. 6 (General Powers of Independent School Districts)  
Minn. Stat. § 123B.09 (Boards of Independent School Districts)  
Minn. Stat. § 123B.15, Subd. 7 (Officers of Independent School Districts)  
Minn. Stat. § 123B.35 (General Policy)  
Minn. Stat. § 123B.36 (Authorized Fees)  
Minn. Stat. § 123B.37 (Prohibited Fees)  
Minn. Stat. § 123B.38 (Hearing)  
Minn. Stat. § 123B.49 (Extracurricular Activities; Insurance)  
Minn. Stat. § 123B.52 (Contracts)  
Minn. Stat. § 123B.76 (Expenditures; Reporting)  
Minn. Stat. § 123B.77 (Accounting, Budgeting, and Reporting Requirement)  
Minn. Rules Part 3500.1050 (Definitions for Pupil Fees)  
*Visina v. Freeman*, 252 Minn. 177, 89 N.W.2d 635 (1958)  
Minn. Op. Atty. Gen. 159a-16 (May 10, 1966)

***Cross References:***

Uniform Financial Accounting and Reporting Standards (UFARS)  
MSBA/MASA Model Policy 510 (School Activities)  
MSBA/MASA Model Policy 511 (Student Fundraising)  
MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)  
MSBA/MASA Model Policy 701.1 (Modification of School District Budget)  
MSBA/MASA Model Policy 702 (Accounting)  
MSBA/MASA Model Policy 703 (Annual Audit)  
MSBA/MASA Model Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)

MSBA/MASA Model Policy 706 (Acceptance of Gifts)

Policy Adopted: August 2021

Waconia Public Schools  
Waconia, MN

7.C.36. 714 Fund Balances

## 714 FUND BALANCES

*[Note: The provisions of this policy include the provisions of Statement No. 54 of the Governmental Accounting Standards Board (GASB).]*

### I. PURPOSE

The purpose of this policy is to create new fund balance classifications to allow for more useful fund balance reporting and for compliance with the reporting guidelines specified in Statement No. 54 of the Governmental Accounting Standards Board (GASB).

### II. GENERAL STATEMENT OF POLICY

The policy of this school district is to comply with GASB Statement No. 54. To the extent a specific conflict occurs between this policy and the provisions of GASB Statement No. 54, the GASB Statement shall prevail.

### III. DEFINITIONS

- A. “Assigned” fund balance amounts are comprised of unrestricted funds constrained by the school district’s intent that they be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. In funds other than the general fund, the assigned fund balance represents the remaining amount that is not restricted or committed. The assigned fund balance category will cover the portion of a fund balance that reflects the school district’s intended use of those resources. The action to assign a fund balance may be taken after the end of the fiscal year. An assigned fund balance cannot be a negative number.
- B. “Committed” fund balance amounts are comprised of unrestricted funds used for specific purposes pursuant to constraints imposed by formal action of the school board and that remain binding unless removed by the school board by subsequent formal action. The formal action to commit a fund balance must occur prior to fiscal year end; however, the specific amounts actually committed can be determined in the subsequent fiscal year. A committed fund balance cannot be a negative number.
- C. “Enabling legislation” means legislation that authorizes a school district to assess, levy, charge, or otherwise mandate payment of resources from external providers and includes a legally enforceable requirement that those resources be used only for the specific purposes listed in the legislation.
- D. “Fund balance” means the arithmetic difference between the assets and liabilities reported in a school district fund.

- E. “Nonspendable” fund balance amounts are comprised of funds that cannot be spent because they are either not in spendable form or are legally or contractually required to be maintained intact. They include items that are inherently unspendable, such as, but not limited to, inventories, prepaid items, long-term receivables, non-financial assets held for resale, or the permanent principal of endowment funds.
- F. “Restricted” fund balance amounts are comprised of funds that have legally enforceable constraints placed on their use that either are externally imposed by resource providers or creditors (such as through debt covenants), grantors, contributors, voters, or laws or regulations of other governments, or are imposed by law through constitutional provisions or enabling legislation.
- G. “Unassigned” fund balance amounts are the residual amounts in the general fund not reported in any other classification. Unassigned amounts in the general fund are technically available for expenditure for any purpose. The general fund is the only fund that can report a positive unassigned fund balance. Other funds would report a negative unassigned fund balance should the total of nonspendable, restricted, and committed fund balances exceed the total net resources of that fund.
- H. “Unrestricted” fund balance is the amount of fund balance left after determining both nonspendable and restricted net resources. This amount can be determined by adding the committed, assigned, and unassigned fund balances.

#### **IV. CLASSIFICATION OF FUND BALANCES**

The school district shall classify its fund balances in its various funds in one or more of the following five classifications: nonspendable, restricted, committed, assigned, and unassigned.

#### **V. MINIMUM FUND BALANCE**

The school district will strive to maintain a minimum unassigned general fund balance of 5% percent of the annual budget.

*[Note: School districts need to select one of the bracketed choices above and fill in the blank. The other bracketed choice should be deleted. If a minimum fund balance is specified, a stabilization arrangement such as that specified in Part IX below that sets aside specific stabilization amounts may not be necessary.]*

#### **VI. ORDER OF RESOURCE USE**

If resources from more than one fund balance classification could be spent, the school district will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

*[Note: The school board determines this order.]*

## **VII. COMMITTING FUND BALANCE**

A majority vote of the school board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the board.

## **VIII. ASSIGNING FUND BALANCE**

The school board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The board also delegates the power to assign fund balances to the following: Director of Finance and Operations. Assignments so made shall be reported to the school board on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the school board.

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

## **IX. STABILIZATION ARRANGEMENTS**

*[Note: If the school board has established any arrangement(s) for emergencies and other contingencies, the description(s) should be included in this section. The school board needs to specifically define the circumstances or conditions when these amounts may be used, which must be unanticipated adverse financial or economic circumstances. These circumstances or conditions cannot be situations that are expected to or which occur routinely. Stabilization arrangements should be reported as restricted or committed if they meet the criteria or, otherwise, should be reported as unassigned. They should not be reported as assigned. If the school board does not have any such arrangements, this section should be deleted.]*

## **X. REVIEW**

The school board will conduct an annual review of the sufficiency of the minimum unassigned general fund balance level.

*[Note: The school board should determine the review period adequate for their school district and change "an annual" to "a quarterly" or "a monthly" or some other time frame if appropriate.]*

**Legal References:** Statement No. 54 of the Governmental Accounting Standards Board

**Cross References:** ~~MSBA Service Manual, Chapter 7, Education Funding~~

Policy Adopted: June 2011  
Revised: September 2020  
Independent School District 110  
Waconia, MN

7.C.37. 723 Access to Data for Individual Data  
Subjects (3-year cycle)

**I. PURPOSE**

The purpose of this policy is to explain the process for an employee or other individual to review or obtaining data about that individual or that individual’s minor child maintained by the school district and to comply with the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13.

**II. DEFINITIONS AND CONSTRUCTION**

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Rules Chapter 1205. This policy does not confer upon an individual the right to access data not otherwise provided in any applicable or other school district policy. Nothing in this policy shall be interpreted to contradict any other school district policy.

**III. RIGHT TO ACCESS DATA FOR INDIVIDUAL DATA SUBJECTS**

Upon request to a responsible authority or designee, an individual shall be informed whether that individual, the individual’s minor child or person for whom the individual has been appointed legal guardian, is the subject of stored data and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data shall be shown that public or private data about themselves without any charge and, if desired, shall be informed of the content and meaning of that data. Except as required by law, after an individual has been shown this data and informed of its meaning, then the school district need not disclose the data to that individual for six (6) months unless additional data on the individual has been collected or created.

**IV. MAKING A DATA REQUEST**

To review or request copies of data on the individual that are in the school district’s possession, the individual should make a written request using the form found in Attachment B and submit this request to the appropriate data practices contact described in Attachment C. The school district reserves the right to accept verbal requests for data or reduce verbal requests to writing, at its sole discretion.

**V. PROCESSING A DATA REQUEST**

If possible, the school district will respond to a written request submitted pursuant to this policy immediately. If immediate compliance is not possible, then the school

district will respond within ten (10) business days of the written request. If it is unclear what data the individual is requesting, then the school district will seek clarification. If the school district does not have the data requested, then it will notify the individual in writing as soon as reasonably possible.

If the school district has the data requested, and the data may lawfully be disclosed to the individual, then the school district will respond to the request by doing one of the following:

- a. Arrange a date, time, and place for the individual to review the data without cost to the individual; or
- b. Provide the individual with copies of the data. The individual may choose to pick up the copies, or the school district will mail or fax copies of the data to the individual. The school district will provide electronic copies (such as email or CD-ROM) only if the school district keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority or designee. Additional information about copy charges is included on Attachment B.

If the school district determines that the requested data is classified so as to deny the requesting individual access, then the school district shall inform the requesting individual of that determination either verbally at the time of the data request, or in writing as soon as reasonably possible.

Upon the request of any individual that has been denied access to data, the responsible authority or designee will certify in writing the denial of the request and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.

## **VI. CREATING NEW DATA OR RESPONDING TO QUESTIONS**

Nothing in this policy or the MGDPA requires the school district to create data in response to a data request, collect new data in response to a data request, or to provide data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.

Nothing in this policy or the MGDPA requires the school district to respond to questions that are not requests for data.

## **VII. IDENTIFICATION**

The school district reserves the right to require an individual requesting private data on the individual or the individual's minor child to provide valid and sufficient photo identification at the time that the data is requested or provided.

The school district will not disclose private data on anyone other than the individual requesting the data or that individual's minor child without receiving a valid release signed by the subject of the data.

## **VIII. RIGHTS OF DATA SUBJECTS**

### **A. Challenging Inaccurate or Incomplete Data**

Consistent with the MGDPA, any individual who believes that information contained in the school district's records regarding that individual, the individual's minor child or person for whom the individual has been appointed legal guardian, is inaccurate or incomplete may request that the school district amend those records. To exercise this right, the individual must notify the responsible authority or designee described in Attachment C in writing of the nature of the disagreement. Upon receiving such notification, the school district will take action as required by the MGDPA. Please note that the submission of a challenge to data does not guarantee that the school district will amend its records.

### **B. Information Provided When Data is Requested by the School District**

Consistent with the MGDPA and other applicable law, certain circumstances may require the school district to notify an individual who is asked to provide the school district with private or confidential data concerning that individual of the ways in which the school district can use the data collected.

### **C. Other Rights of Data Subjects**

Nothing in this policy shall be construed as limiting the rights provided by the MGDPA. Individuals that are the subject of data in the school district's possession have all of the rights afforded by Minnesota Statutes Section 13.04.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.02 (Definitions)  
Minn. Stat. § 13.025 (Public Data Access Policy; Data Subject Rights and Access Policy; Availability of Public Data Access Policies)  
Minn. Stat. § 13.03 (Access to Government Data; Costs for Providing Copies of Data)  
Minn. Stat. § 13.37 (General Nonpublic Data)  
Minn. Stat. § 13.43 (Civil Investigative Data)  
Minn. Stat. § 122A.20, subd. 2 (Mandatory Reporting)  
Minn. Rules Part 1205.1200, subpart 2 (Duty of Responsible Authority to Inform Public Where to Direct Inquiries)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
Minnesota Department of Administration Advisory Opinion 13-007  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)

**Cross References:** 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 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
Waconia Public Schools Records Retention Schedule

Policy Adopted: April 2015  
Renumbered: Nov 2020  
Waconia Public Schools  
Waconia, MN

**Attachment A**  
**Copy Costs – Requests for Data on Individuals**

The school district charges individuals for copies as authorized under Minnesota Statutes Section 13.03, subdivision 3(c). An individual must pay for the copies before the school district will provide the copies requested.

**For 100 or Fewer Paper Black and White Copies -- \$0.25 per Page**

The charge for 100 or fewer pages of black and white, letter or legal size paper copies is \$0.25 for a one-sided copy and \$0.50 for a two-sided copy.

**Most Other Types of Copies – Actual Cost**

The charge for more than 100 pages of black and white copies, or other types of copies, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data.

In determining the actual cost, the school district includes the cost of the employee time, the cost of the materials, and any mailing costs. If the request is for copies of data that the school district cannot reproduce itself, such as photographs, then it will charge the requester the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for the requested data, retrieve the requested data, and make copies of the requested data is based upon the lowest hourly rate of the appropriate school district employee. If, because of the subject matter of your request, the school district finds it necessary for a higher-paid employee to search for and retrieve the data, then the search and retrieval portion of the copy charge will be charged at the higher salary/wage. There is no charge for time spent separating public from not public data.

**Discretionary Copy Charge Waivers**

In some cases, whether the school district charges an individual a copy charge will depend on the costs to the department for providing the copies compared to the costs for collecting and recording a copy charge payment from an individual. If the cost of providing the copies is outweighed by the costs to the school district for collecting and recording payment, then the school district may waive a copy charge.

If the school district determines that it is in the best interests of the public and the school district to release data without copy charges, then the school district may waive such copy charges.

**Attachment B**  
**Data Request Form – Requests for Data on Individuals**

**Date of Request:** \_\_\_\_\_

**Method of Access to Data:**

In-Person Review  Copies  Both (in-person review and copies)

*(Note: In-person review is free, but there is a charge for copies)*

**Description of Requested Public Data:**

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*(Note:*  
*Describe the data you are requesting as specifically as possible. If you need more space, please use*  
*the back of this form or additional pages.)*

**Contact Information for Individual Requesting Data:**

Name: \_\_\_\_\_

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

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Verification of Identity:**

Driver's License  Personal Knowledge  Other Form of Identification  \_\_\_\_\_

**Return Completed Form To:**

~~Sonya Sailer~~ **Dr. Enid Schonewise**, Data Practices Compliance Official  
Waconia Public Schools  
512 Industrial Boulevard  
Waconia, Minnesota 55387  
[ssailer@isd110.org](mailto:ssailer@isd110.org) [eschonewise@isd110.org](mailto:eschonewise@isd110.org)

You may also direct your data request to one of the school district's other data practices contacts as listed on Attachment C.

**Attachment C  
Data Practices Contacts**

The employees listed below are available to assist you with data practices requests and concerns:

**Responsible Authority**

~~Patrick Devine~~ **Brian Gersich**, Superintendent  
512 Industrial Boulevard  
Waconia, Minnesota 55387  
Telephone: (952) 442-0600; [pdevine@isd110.org](mailto:pdevine@isd110.org) [bgersich@isd110.org](mailto:bgersich@isd110.org)

**Data Practices Compliance Official**

~~Sonya Sailer~~ **Dr. Enid Schonewise**, Data Practices Compliance Official  
Waconia Public Schools  
512 Industrial Boulevard  
Waconia, Minnesota 55387  
[ssailer@isd110.org](mailto:ssailer@isd110.org) [eschonewise@isd110.org](mailto:eschonewise@isd110.org)

**Data Practices Designees**

<b>Type of Data Requested</b>	<b>Name</b>	<b>Position</b>	<b>Email Address</b>	<b>Telephone Number</b>
Personnel Data	<del>Sonya Sailer</del> <b>Dr. Enid Schonewise</b>	Director of Human Resources	<a href="mailto:ssailer@isd110.org">ssailer@isd110.org</a> <a href="mailto:eschonewise@isd110.org">eschonewise@isd110.org</a>	952-442-0600
Student Special Education Records	Paul Tordoff	Director of Special Education	<a href="mailto:ptordoff@isd110.org">ptordoff@isd110.org</a>	952-442-0600
Student Educational Data Southview Elementary	Khuzana DeVaan	Building Principal	<a href="mailto:kdevaan@isd110.org">kdevaan@isd110.org</a>	952-442-0620
Student Educational Data Bayview Elementary	Ann Swanson	Building Principal	<a href="mailto:aswanson@isd110.org">aswanson@isd110.org</a>	952-442-0630
Student Educational Data Laketown Elementary	<del>Naney Wittman</del> <b>Keith Baune</b>	Building Principal	<a href="mailto:nwittman@isd110.org">nwittman@isd110.org</a> <a href="mailto:kbaune@isd110.org">kbaune@isd110.org</a>	952-442-0690
Student Educational Data Clearwater Middle School	Shane Clausen	Building Principal	<a href="mailto:sclausen@isd110.org">sclausen@isd110.org</a>	952-442-0650
Student Educational Data	Paul Sparby	Building Principal	<a href="mailto:psparby@isd110.org">psparby@isd110.org</a>	952-442-0670

High School and WALC				
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7.C.38. 801 Equal Access to School Facilities

## 801 EQUAL ACCESS TO SCHOOL FACILITIES

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

### I. PURPOSE

The purpose of this policy is to implement the Equal Access Act by granting equal access to secondary school facilities for students who wish to conduct a meeting for religious, political, or philosophical purposes during noninstructional time.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is not to deny equal access or a fair opportunity to, or to discriminate against, any students who wish to conduct a meeting, on the basis of the religious, political, philosophical, or other content of the speech at such meetings.
- B. The school board has created a limited open forum for students enrolled in secondary schools during which noncurriculum-related student groups shall have equal access and a fair opportunity to conduct meetings during noninstructional time.
- C. Student use of facilities under this policy does not imply school district sponsorship, approval, or advocacy of the content of the expression at such meetings.
- D. The school district retains its authority to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.
- E. In adopting and implementing this equal access policy, the school district will NOT:
  - 1. influence the form or content of any prayer or other religious activity;
  - 2. require any person to participate in prayer or other religious activity;
  - 3. expend public funds beyond the incidental cost of providing the space for student-initiated meetings;
  - 4. compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;
  - 5. sanction meetings that are otherwise unlawful;
  - 6. limit the rights of groups of students based on the size of the group;
  - 7. abridge the constitutional rights of any person.

### **III. DEFINITIONS**

- A. “Limited open forum” means that the school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.
- B. “Secondary school” means any school with enrollment of pupils ordinarily in grades 7 through 12 or any portion thereof.
- C. “Sponsorship” includes the act of promoting, leading, or participating in a meeting. The assignment of a school employee for custodial, observation, or maintenance of order and discipline purposes does not constitute sponsorship of the meeting.
- D. “Meeting” includes activities of student groups which are permitted under a limited open forum and are not directly related to the school curriculum. Distribution of literature does not constitute a meeting protected by the Equal Access Act.
- E. “Noninstructional time” means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends, including such other periods that occur during the school day when no classroom instruction takes place.

### **IV. FAIR OPPORTUNITY CRITERIA**

Schools in this school district shall uniformly provide that:

- A. A meeting held pursuant to this policy is voluntary and student-initiated;
- B. There is no sponsorship of the meeting by the school or its agents or employees;
- C. Employees or agents of the school are present at religious meetings only in a nonparticipatory capacity;
- D. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- E. Nonschool persons may not direct, control, or regularly attend activities of student groups.

### **V. PROCEDURES**

- A. Any student who wishes to initiate a meeting under this policy shall apply to the principal of the building at least 48 hours in advance of the time of the activity or meeting. The student must agree to the following:

1. All activities or meetings must comply with existing policies, regulations, and procedures that govern operation of school-sponsored activities.
  2. The activities or meetings are voluntary and student-initiated. The principal may require assurances of this fact.
- B. Student groups meeting under this policy must comply with the following rules:
1. Those attending must not engage in any activity that is illegal, dangerous, or which materially and substantially interferes with the orderly conduct of the educational activities of the school. Such activities shall be grounds for discipline of an individual student and grounds for a particular group to be denied access.
  2. The groups may not use the school name, school mascot name, school emblems, the school district name, or any name that might imply school or district sponsorship or affiliation in any activity, including fundraising and community involvement.
  3. The groups must comply with school policies, regulations and procedures governing school-sponsored activities.
- C. Students applying for use of school facilities under this policy must provide the following information to the principal: time and date of meeting, estimated number of students in attendance, and special equipment needs.
- D. The building principal has responsibility to:
1. Keep a log of application information.
  2. Find and assign a suitable room for the meeting or activity. The number of students in attendance will be limited to the safe capacity of the meeting space.
  3. Note the condition of the facilities and equipment before and after use.
  4. Assure proper supervision. Assignment of staff to be present in a supervisory capacity does not constitute school district sponsorship of the meeting or activity.
  5. Assure that the meeting or activity does not interfere with the school's regular instructional activities.
- E. The school district shall not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. The school district will provide no additional or special transportation.
- F. Nonschool persons may not direct, conduct, control, or regularly attend meetings

and activities held pursuant to this policy.

- G. School district employees or agents may not promote, lead, participate in, or otherwise sponsor meetings or activities held pursuant to this policy.
- H. A copy of this policy and procedures shall be made available to each student who initiates a request to use school facilities.

**Legal References:** 20 U.S.C. §§ 4071-74 (Equal Access Act)  
20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)  
*Board of Educ. of Westside Community Schools v. Mergens*, 496 U.S. 226,  
1105 S.Ct. 2356 (1990)  
*Good News Club v. Milford Central School*, ~~533 U.S. 98~~, 1215 S.Ct. 2093  
(2001)  
*Child Evangelism Fellowship of Minnesota v. Special Sch. Dist. 1*, 690  
F.3d 996 (8<sup>th</sup> Cir. 2012)  
*Child Evangelism Fellowship of Minnesota v. Elk River Area School Dist.*  
728, 599 F.Supp. 2d 1136 (D. Minn. 2009)

**Cross References:** MSBA/MASA Model Policy 902 (Use of School District Facilities and  
Equipment)  
~~MSBA Service Manual, Chapter 13, School Law Bulletin “O” (Equal  
Access Act)~~

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*The Purpose, General Statement of Policy, Definitions, and Fair Opportunity Criteria sections reflect the language and requirements of the Equal Access Act and so should be adopted as written. School Boards have discretion to adopt reasonable procedures to implement the Act, however. We have provided a section on Procedures as a model.*

Policy Adopted: September 2004, April 2007, June 2018, August 2020  
Independent School District #110  
Waconia, MN

7.C.39. 802 Disposition of Obsolete Equipment

## **802 DISPOSITION OF OBSOLETE EQUIPMENT AND MATERIAL**

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

### **I. PURPOSE**

The purpose of this policy is to provide guidelines to assist in timely disposition of obsolete equipment and material.

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

Effective use of school building space, and consideration for safety of personnel, will at times require disposal of obsolete equipment and material.

### **III. DEFINITIONS**

- A. “Contract” means an agreement entered into by the school district for the sale of supplies, materials, or equipment.
- B. “Official newspaper” is a regular issue of a qualified legal newspaper.
- C. “Obsolete property” means any District commodities, equipment, materials, or supplies that are obsolete, unused, not needed for a public purpose, or ineffective for current use.

### **IV. MANNER OF DISPOSITION**

#### **A. Authorization**

The superintendent is authorized to dispose of obsolete equipment and materials by selling them at a fair price consistent with the procedures outlined in this policy. Any sale exceeding the minimum amount for which bids are required must first be specifically authorized by the school board. The superintendent is authorized to properly dispose of used books, materials, and equipment deemed to have little or no value.

#### **B. Contracts Over \$175,000**

1. If the value of the equipment or materials is estimated to exceed \$175,000, sealed bids must be solicited by two weeks’ published notice in the official newspaper. This notice must state the time and place of receiving bids and contain a brief description of the subject matter. Additional publication in the official newspaper or elsewhere may be made as the school board deems necessary.
2. The sale must be awarded to the highest responsible bidder, be duly executed in writing, and be otherwise conditioned as required by law.

3. A record must be kept of all bids, with names of bidders and amounts of bids, and an indication of the successful bid. A bid containing an alteration or erasure of any price contained in the bid which is used in determining the highest responsible bid must be rejected unless the alteration or erasure is corrected by being crossed out and the correction printed in ink or typewritten adjacent thereto and initialed in ink by the person signing the bid.
4. In the case of identical high bids from two or more bidders, the school board may, at its discretion, utilize negotiated procurement methods with the tied high bidders so long as the price paid does not go below the high tied bid price. In the case where only a single bid is received, the school board may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid does not fall below the original bid. If no satisfactory bid is received, the board may re-advertise.
5. All bids obtained must be kept on file for a period of at least one year after their receipt. Every contract made without compliance with the foregoing provisions will be void.
6. Data submitted by a business to a school in response to a request for bids are private until opened. Once opened, the name of the bidder and the dollar amount specified become public; all other data are private until completion of the selection process, meaning the school has completed its evaluation and ranked the responses. After completion of the selection process, all data submitted by all bidders are public except trade secret data. If all responses are rejected prior to completion of the selection process, all data remain private, except the name of the bidder and the dollar amount specified which were made public at the bid opening for one year from the proposed opening date or until re-solicitation results in completion of the selection process or until a determination is made to abandon the sale, whichever occurs sooner, at which point the remaining data becomes public. Data created or maintained by the school district as part of the selection or evaluation process are protected as nonpublic data until completion of the selection or evaluation process. At that time, the data are public with the exception of trade secret data.

C. Contracts From \$25,000 to \$175,000

If the amount of the sale is estimated to exceed \$25,000 but not to exceed \$175,000, the contract may be made either upon sealed bids in the manner directed above or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding notice. All quotations obtained shall be kept on file for a period of at least one year after receipt.

D. Contracts \$25,000 or Less

If the amount of the sale is estimated to be \$25,000 or less, the contract may be made either upon quotation or in the open market, in the discretion of the school board. The sale in the open market may be by auction. If the contract is made on quotation, it shall be based, so far as practicable, on at least two quotations which shall be kept on file for a period of at least one year after receipt.

E. Electronic Sale of Surplus Supplies, Materials, and Equipment

Notwithstanding the other procedural requirements of this policy, the school district may contract to sell supplies, materials, and equipment which is surplus, obsolete, or unused through an electronic selling process in which purchasers compete to purchase the supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

F. Notice of Quotation

Notice of procedures to receive quotations shall be given by publication or other means as appropriate to provide reasonable notice to the public.

G. Sales to Employees

No officer or employee of the school district may sell or procure for sale or possess or control for sale to any other officer or employee of the school district any property or materials owned by the school district unless the property and materials are not needed for public purposes and are sold to a school district employee after reasonable public notice, at a public auction or by sealed response, if the employee is not directly involved in the auction or sale process. Reasonable notice must include at least one week's published or posted notice. A school district employee may purchase no more than one motor vehicle from the school district at any one auction. This section shall not apply to the sale of property or materials acquired or produced by the school district for sale to the general public in the ordinary course of business. Nothing in this section shall prohibit an employee of the school district from selling or possessing for sale public property if the sale or possession for sale is in the ordinary course of business or the normal course of the employee's duties.

H. Donation of Surplus Property

1. By resolution, the School board may authorize the donation of obsolete property (not including real property) to an organization outside the school district, if the School Board concludes that the property has de minimis value or no value. When such a donation is made, the organization receiving the donated property must pay all costs associated with the donation of the obsolete property, including, but not limited to, any costs associated with loading or unloading the property, shipping the property, and storage of the property.

2. As a condition to receiving a donation of obsolete property, an organization must sign a written waiver that is substantially in the following form or such other form as is approved by the School Board's legal counsel:

I am an authorized representative of [ORGANIZATION NAME]. Independent School District No. 110 ("District") is donating the following obsolete property that it has determined has little or no value to the District: [DESCRIBE THE PROPERTY]. On behalf of [ORGANIZATION NAME], I acknowledge that the property is being donated "as is" and without any express or implied warranties, promises, or guarantees from the District. I also acknowledge that the District makes no representations as to whether the property is safe, fit, or appropriate for any general or specific use. On behalf of [ORGANIZATION NAME], I waive and release the District from any and all liability, including any claims for damages, arising out of or related to any future use of the donated property. [ORGANIZATION NAME] also agrees to defend and indemnify the District against any claim for damages, or any other form of liability, arising out of or related to any use of the donated property.

#### H. Exceptions for Surplus School Computers

1. A school district may bypass the requirements for competitive bidding and is not subject to any other laws relating to school district contracts if it is disposing of surplus school computer and related equipment, including a tablet device, by conveying the property and title to:
  - a. another school district;
  - b. the state department of corrections;
  - c. the board of trustees of Minnesota State Colleges and Universities;
  - d. the family of a student residing in the district whose total family income meets the federal definition of poverty; or
  - e. a charitable organization under section 501(c)(3) of the Internal Revenue Code that is registered with the attorney general's office for educational use.
2. If surplus school computers are not disposed of as described in Paragraph 1., upon adoption of a written resolution of the school board, when updating or replacing school computers, including tablet devices, used primarily by students, the school district may sell or give used computers or tablets to qualifying students at the price specified in the written resolution. A student

is eligible to apply to the school board for a computer or tablet under this subdivision if the student is currently enrolled in the school and intends to enroll in the school in the year following the receipt of the computer or tablet. If more students apply for computers or tablets than are available, the school must first qualify students whose families are eligible for free or reduced-price meals and then dispose of the remaining computers or tablets by lottery.

**Legal References:** Minn. Stat. § 13.591 (Business Data)  
Minn. Stat. § 15.054 (~~Public Employees Not to Purchase Merchandise from Governmental Agencies; Exceptions; Penalty~~ **Sale or Purchase of State Property; Penalty**)  
Minn. Stat. § 123B.29 (~~Sale of School Building~~ at Auction)  
Minn. Stat. § 123B.52 (Contracts)  
Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)  
Minn. Stat. § 645.11 (Published Notice)

**Cross References:** ~~MSBA Service Manual, Chapter 13,~~ School Law Bulletin “F” (School District Contract and Bidding Procedures)

Policy Adopted: September 2004, April 2007, May 2010, June 2018

Revised: August 2020 / January 2022

Independent School District #110

Waconia, MN

7.C.40. 805 Waste Reduction and Recycling

## 805 WASTE REDUCTION AND RECYCLING

*[Note: The obligations stated in this policy are substantial and ~~are~~ virtually all **are** governed by statute. ~~Accordingly, you will see statutory references throughout the policy.~~ Obviously a school district may choose to add obligations by policy.]*

### I. PURPOSE

The purpose of this policy is to establish a resource recovery program to promote the reduction of waste, the separation and recovery of recyclable and reusable commodities, the procurement of recyclable commodities and commodities containing recycled materials, the disposition of waste materials and surplus property, and the establishment of a program of education to develop an awareness of environmentally sound waste management. (~~Minn. Stat. § 115A.15, Subd. 1~~)

### II. GENERAL STATEMENT OF POLICY

The policy of the school district is to comply with all state laws relating to waste management and to make resource conservation an integral part of the physical operations and curriculum of the school district.

### III. DEFINITIONS

- A. “Lamp recycling facility” means a facility operated to remove, recover, and recycle for reuse mercury or other hazardous materials from fluorescent or high intensity discharge lamps. (~~Minn. Stat. § 116.93, Subd. 1~~)
- B. “Mixed municipal solid waste” means garbage, refuse, and other solid waste that is aggregated for collection but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams. (~~Minn. Stat. § 115A.03, Subd. 21~~)
- C. “Packaging” means a container and any appurtenant material that provide a means of transporting, marketing, protecting, or handling a product and includes pallets and packing such as blocking, bracing, cushioning, weatherproofing, strapping, coatings, closures, inks, dyes, pigments, and labels. (~~Minn. Stat. § 115A.03, Subd. 22b~~)
- D. “Postconsumer materials” means a finished material that would normally be discarded as a solid waste having completed its life cycle as a consumer item. (~~Minn. Stat. § 115A.03, Subd. 24b~~)
- E. “Rechargeable battery” means a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery, except certain dry cell batteries or a battery exempted by the Commissioner of the **Minnesota** Pollution Control Agency (PCA) (Commissioner). (~~Minn. Stat. § 115A.9157~~)

- F. “Recyclable commodities” means materials, pieces of equipment, and parts which are not reusable but which contain recoverable resources. (~~Minn. Stat. § 115A.15, Subd. 1a(a)~~)
- G. “Recyclable materials” means materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, and sole source food waste streams that are managed through biodegradative processes. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material. (~~Minn. Stat. § 115A.03, Subd. 25a~~)
- H. “Recycling” means the process of collecting and preparing recyclable materials and reusing the materials in their original form that do not cause the destruction of recyclable materials in a manner that precludes further use. (~~Minn. Stat. § 115A.03, Subd. 25b~~)
- I. “Resource conservation” means the reduction in the use of water, energy, and raw materials. (Minn. Stat. § 115A.03, Subd. 26a)
- J. “Reusable commodities” means materials, pieces of equipment, parts, and used supplies which can be reused for their original purpose in their existing condition. (~~Minn. Stat. § 115A.15, Subd. 1a(b)~~)
- K. “Source-separated compostable materials” means materials that:
1. are separated at the source by waste generators for the purpose of preparing them for use as compost;
  2. are collected separately from mixed municipal solid waste and are governed by state licensing provisions;
  3. are comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable because the Commissioner has determined that no other person is willing to accept the paper for recycling;
  4. are delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the PCA’s class I or class II, or equivalent, compost standards and where process rejects do not exceed 15 percent by weight of the total material delivered to the facility; and
  5. may be delivered to a transfer station, mixed municipal solid waste processing facility, or recycling facility only for the purposes of composting or transfer to a composting facility, unless the Commissioner determines that no other person is willing to accept the materials.

(~~Minn. Stat. § 115A.03, Subd. 32a~~)

- L. “Waste reduction” or “source reduction” means an activity that prevents generation of waste or the inclusion of toxic materials in waste, including:
1. reusing the product in its original form;
  2. increasing the life span of a product;
  3. reducing material or the toxicity of material used in production or packaging; or
  4. changing procurement, consumption, or waste generation habits to result in smaller quantities or lower toxicity of waste generated.

~~(Minn. Stat. § 115A.03, Subd. 36b)~~

#### **IV. WASTE DISPOSAL**

- A. The school district will attempt to decrease the amount of waste consumable materials by:
1. reduction of the consumption of consumable materials whenever practicable;
  2. full utilization of materials prior to disposal;
  3. minimization of the use of non-biodegradable products whenever practicable.
- B. Each school district facility shall also collect at least three recyclable materials, such as, but not limited to, the following: paper, glass, plastic, and metal. ~~(Minn. Stat. § 115A.151)~~
- C. The school district will transfer all recyclable materials collected to a recycler and, to the extent practicable, cooperate with, and participate in, recycling efforts being made by the city and/or county where the school district is located. ~~(Minn. Stat. § 115A.151)~~
- D. Prior to entering into a contract for the management of mixed municipal solid waste, the school district will determine whether the disposal method provided for in the contract is equal to or better than the waste management practices currently employed in the county or district plan in the county where the school district is located and whether the contract is consistent with the solid waste plan. If the waste management method provided for in the contract is ranked lower than the waste management practices employed by the county or district, the school district will:
1. determine the potential liability to the school district and its taxpayers for

managing waste in this manner;

2. develop and implement a plan for managing the potential liability; and
3. submit the information in (1) and (2) above to the PCA.

If the contract is inconsistent with the county plan or if the school district's waste management activities are inconsistent with the county plan, the school district should obtain the consent of the county prior to entering into a binding contract or developing or implementing inconsistent solid waste management activities. (~~Minn. Stat. § 115A.46, Subd. 5; Minn. Stat. § 115A.471; Minn. Stat. § 458D.07, Subd. 4~~)

- E. The school district may not knowingly place motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or motor vehicle antifreeze (other than small amounts of antifreeze contained in water used to flush the cooling system of a vehicle after the antifreeze has been drained and does not include de-icer that has been used on the exterior of a vehicle) in or on:
1. solid waste or solid waste management facilities other than a recycling facility or household hazardous waste collection facility;
  2. the land unless approved by the PCA; or
  3. the waters of the state, an individual sewage treatment system, or in a storm water or waste water collection or treatment system unless:
    - a. permitted to do so by the operator of the system and the PCA;
    - b. the school district generates an annual average of less than 50 gallons of waste motor vehicle antifreeze per month; and
    - c. the school district keeps records of the amount of waste antifreeze generated, maintains these records on site and makes the records available for inspection for a minimum of three years following generation of the waste antifreeze.

~~(Minn. Stat. § 115A.916)~~

- F. The school district may not place mercury or a thermostat, thermometer, electric switch, appliance, gauge, medical or scientific instrument, fluorescent or high-intensity discharge lamp, electric relay, or other electrical device from which the mercury has not been removed for reuse or recycling:
1. in solid waste; or
  2. in a wastewater disposal system.

~~(Minn. Stat. § 115A.932, Subd. 1(a))~~

- G. The school district may not knowingly place mercury or a thermostat, thermometer, electric switch, appliance, gauge, medical or scientific instrument, fluorescent or high-intensity discharge lamp, electric relay, or other electrical device from which the mercury has not been removed for reuse or recycling:
1. in a solid waste processing facility; or
  2. in a solid waste disposal facility.

~~(Minn. Stat. § 115A.932, Subd. 1(b))~~

- H. The school district will recycle a fluorescent or high-intensity discharge lamp by delivery of the lamp to a lamp recycling facility or to a facility that collects and stores lamps for the purpose of delivering them to a lamp recycling facility, including, but not limited to, a household hazardous waste collection or recycling facility, retailer take-back and utility provider program sites, or other sites designated by an electric utility under ~~Minn. Stat. §~~ **Minnesota Statutes section 216B.241, Subds. subdivisions 2 and 4.** ~~(Minn. Stat. § 115A.932, Subd. 1(c))~~

- I. The school district may not place a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery. The school district also may not place in mixed municipal solid waste a dry cell battery containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead-acid that was purchased for use or used by the school district. The school district also may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a nonremovable rechargeable battery, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed. ~~(Minn. Stat. § 115A.915; Minn. Stat. § 115A.9155, Subd. 1; Minn. Stat. § 115A.9157, Subd. 2)~~

- J. The school district may not place yard waste:
1. in mixed municipal solid waste;
  2. in a disposal facility;
  3. in a resource recovery facility, except for the purposes of reuse, composting, or cocomposting; or
  4. in a plastic bag unless exempt as specified in ~~Minn. Stat. §~~ **Minnesota Statutes section 115A.931(c), (d), or (e).**

~~(Minn. Stat. § 115A.931)~~

- K. The school district may not place a telephone directory:

1. in solid waste;
2. in a disposal facility; or
3. in a resource recovery facility, except a recycling facility.

~~(Minn. Stat. § 115A.951, Subd. 2)~~

L. The school district may not:

1. place major appliances in mixed municipal solid waste; or
2. dispose of major appliances in or on the land or in a solid waste processing or disposal facility.

~~(Minn. Stat. § 115A.9561)~~

M. The school district may not place in mixed municipal solid waste an electronic product containing a cathode-ray tube. ~~(Minn. Stat. § 115A.9565)~~

N. The school district, on its own or in cooperation with others, may implement a program to collect, process, or dispose of household batteries. The school district may provide financial incentives to any person, including public or private civic groups, to collect the batteries. ~~(Minn. Stat. § 115A.961, Subd. 3)~~

## V. **PROCUREMENT OF RECYCLED COMMODITIES AND MATERIALS**

A. When practicable and when the price of recycled materials does not exceed the price of nonrecycled materials by more than 10 percent, the school district may purchase recycled materials. In order to maximize the quantity and quality of recycled materials purchased, the school district may also use other appropriate procedures to acquire recycled materials at the most economical cost to the school district. ~~(Minn. Stat. § 16C.073, Subd. 3(a))~~

B. When purchasing commodities and services, the school district will apply and promote waste management practices with special emphasis on the reduction of the quantity and toxicity of materials in waste. ~~(Minn. Stat. § 16C.073, Subd. 3(b))~~

C. Whenever practicable, the school district will:

1. purchase uncoated copy paper, office paper, and printing paper unless the coated paper is made with at least 50 percent postconsumer material;
2. purchase recycled content copy paper with at least 30 percent postconsumer material by weight and purchase office and printing paper with at least 10 percent postconsumer material by weight;

3. purchase paper which has not been dyed with colors, excluding pastel colors;
4. purchase recycled content copy, office, and printing paper that is manufactured using little or no chlorine bleach or chlorine derivatives;
5. use reusable binding materials or staples and bind documents by methods that do not use glue;
6. use soy-based inks;
7. purchase printer or duplication cartridges that:
  - a. have 10 percent post-consumer material; or
  - b. are purchased as remanufactured; or
  - c. are backed by a vendor-offered program that will take back the printer cartridges after their useful life, ensure that the cartridges are recycled, and comply with the definition of recycling in ~~Minn. Stat. §~~ **Minnesota Statutes section** 115A.03, ~~Subd. subdivision~~ **25b**;
8. produce reports, publications, and periodicals that are readily recyclable;
9. purchase paper which has been made on a paper machine located in Minnesota; and
10. print documents on both sides of the paper where commonly accepted publishing practices allow.

~~(Minn. Stat. § 16C.073, Subd. 2)~~

- D. The school district may not use a specified product included on the prohibited products list published in the State Register. ~~(Minn. Stat. § 115A.9651)~~
- E. In developing bid specifications, the school district will consider the extent to which a commodity or product is durable, reusable or recyclable, and marketable through applicable local or regional recycling programs and the extent to which the commodity or product contains postconsumer material. ~~(Minn. Stat. § 16C.073, Subd. 3(b))~~
- F. When a project involves the replacement of carpeting, the school district may require all persons who wish to bid on the project to designate a carpet recycling company in their bids. ~~(Minn. Stat. § 16C.073, Subd. 3(b))~~

## VI. OTHER

The policy of the school district is to actively advocate, where appropriate, for resource

conservation practices to be adopted at the local, regional, and state levels.

**Legal References:** Minn. Stat. § 16C.073 (Purchase and Use of Paper Stock; Printing)  
Minn. Stat. § 115A.03 (Definitions)  
Minn. Stat. § 115A.15 (State Government Resource Recovery)  
Minn. Stat. § 115A.151 (**Recycling Requirements; Public Entities; Commercial Buildings; Sports Facilities** ~~State and Local Facilities~~)  
Minn. Stat. § 115A.46 (**Regional and Local Solid Waste Management Plan**; Requirements)  
Minn. Stat. § 115A.471 (Public Entities; **Managing** ~~Management of~~ Solid Waste)  
Minn. Stat. § 115A.915 (Lead Acid Batteries; Land Disposal Prohibited)  
Minn. Stat. § 115A.9155 (~~Disposal~~ **Disposing** of Certain Dry Cell Batteries)  
Minn. Stat. § 115A.9157 (Rechargeable Batteries and Products)  
Minn. Stat. § 115A.916 (Motor Vehicle Fluids and Filters; Prohibitions)  
Minn. Stat. § 115A.931 (Yard Waste Prohibition)  
Minn. Stat. § 115A.932 (Mercury Prohibition)  
Minn. Stat. § 115A.951 (Telephone Directories)  
Minn. Stat. § 115A.9561 (Major Appliances)  
Minn. Stat. § 115A.9565 (Cathode-Ray Tube Prohibition)  
Minn. Stat. § 115A.961, Subd. 3 (Household Batteries; Collection, Processing, and Disposal)  
Minn. Stat. § 115A.9651 (Listed Metals in Specified Products; Enforcement)  
Minn. Stat. § 116.93, Subd. 1 (Lamp Recycling Facilities)  
Minn. Stat. § 216B.241, Subds. ~~2 and 4~~ (**Public Utilities; Energy Conservation and Optimization** ~~Energy Conservation Improvement~~)  
Minn. Stat. § 458D.07 (Sewage Collection and Disposal)  
*National Solid Waste Management Ass'n v. Williams, et al.*, 966 F.Supp. 844 (D. Minn. 1997)

**Cross References:** None

Policy Adopted: June 2004, April 2007, May 2010, June 2013, June 2018

Revised: August 2020

Independent School District #110

Waconia, MN

7.C.41. 807 Health and Safety Policy

## 807 HEALTH AND SAFETY POLICY

*[Note: To receive health and safety revenue for any fiscal year, school districts must submit an application to the **Minnesota** Commissioner of Education, along with a health and safety budget adopted and confirmed by the school board as being consistent with the school district's health and safety policy. This policy has been approved by the Minnesota Department of Education.*

*The subdivisions of ~~Minn. Stat. §~~ **Minnesota Statutes Section** 123B.57 that relate to a school district's ability to apply for health and safety revenue have been repealed effective fiscal year 2017. The provisions of this policy substantially reflect statutory requirements.]*

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

or part of the duties of the advisory committee or the advisory committee may consider recommendations from a separate safety committee established under ~~Minn. Stat. §~~ **Minnesota Statutes section** 182.676.

### **III. PROCEDURES**

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

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

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

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

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

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

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

## V. BUDGET

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

## VI. ENFORCEMENT

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

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

Minn. Rules Part 5208.0070 (**Accident and Injury Reduction Program**;  
Alternative Forms of Committee)

**Cross References:** MSBA/MASA Model Policy 407 (Employee Right to Know - Exposure to Hazardous Substances)  
MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)

Policy Adopted: July 2012 / June 2013/ June 2014/June 2015/June 2018

Revised: Dec 2020  
Independent School District No. 110  
Waconia, MN

7.C.42. 809 Naming Rights Policy (3-year Cycle,  
non-MSBA)

## **809 NAMING RIGHTS POLICY**

### **I. PURPOSE**

The purpose of this policy is to establish the criteria and procedures for granting Naming Rights in relation to District facilities. This policy does not cover scholarships or research grants. The Naming Rights Policy applies district-wide.

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

It is the policy of this school district to recognize persons who have either supported the district through distinguished effort or substantial financial contributions by naming facilities in their honor.

### **III. REQUIREMENT**

A. Facilities included in the Naming Rights Policy include:

1. Buildings or parts of a building such as wings where the identification focuses on the external feature.
2. Parts of buildings, such as theatres, laboratories, gymnasiums, or classrooms.
3. Outdoor areas, which may be gardens, courtyards, stadiums, playing fields, roads or walkways.
4. Other facilities may be recommended for naming after consultation with the school board.

B. "Naming Rights in Consideration" is in consideration of financial contributions, sponsorships or other commercial transactions.

C. "Naming Rights in Recognition" is in recognition of any significant contributions to the district that it wishes to honor.

1. Recognition of outstanding services to the district while serving in an academic or administrative capacity.
2. Recognition of the achievement of distinguished alumni.
3. Recognition of a financial contribution or other contribution from a donor.

### **IV. GRANTING NAMING RIGHTS**

- A. The granting of Naming Rights must be consistent with the District 110 Mission and Core Values.
- B. For the purposes of this policy, a significant financial contribution is set at a minimum of \$100,000.00.
- C. All requests for Naming Rights must be submitted in writing to the board of education.
- D. The board of education will designate the superintendent or designee to form a committee to review and make recommendations for naming opportunities.
- E. The committee will review and research each submitted facility-naming nomination on its individual merits.
- F. The committee will make its recommendation to the superintendent.
- G. The superintendent will submit her/his recommendation to the board of education for review and action.
- H. The physical display of the Naming Rights shall be decided or negotiated on a case-by-case basis.

**V. GUIDELINES**

The superintendent will decide the monetary valuation of each naming right after receiving a recommendation from the director of business services who may take advice from such persons or other professionals, as needed. Each case should take into account market comparisons for naming rights for which professional advice may be sought.

**VI. DURATION OF NAMING RIGHTS**

- A. The duration of naming rights is decided or negotiated on a case-by-case basis.
- B. Naming Rights will normally remain in place for a period of no longer than twenty-five [25] years.
- C. Exceptions to the duration may be granted with the approval of the board of education.

**VII. EARLY TERMINATION OF NAMING RIGHTS**

- A. The Naming Rights agreement may be terminated under the following conditions:
  - 1. Termination by the District – The district reserves the right, at its sole discretion, to terminate Naming Rights without refund of consideration, prior to the scheduled

termination date, should it feel it is necessary to do so to avoid the district being brought into a disrepute.

2. Termination by the Named Party – The Named Party without refund of consideration, at its sole discretion, may terminate its acceptance of the Naming Rights prior to the scheduled termination date, in the event that the district directly brings the Named Party into disrepute.

#### **VIII. TRANSFERABILITY OF NAMING RIGHTS**

- A. Naming Rights may only be transferred to any other Named Party by mutual agreement between all named parties.
- B. “Naming Rights in Consideration” may be traded by mutual agreement between all parties. Traded is defined as “to exchange one naming right for another” as in the case where a company changes its name, the naming right might be “traded” to reflect the new name.

#### **IX. RENEWABILITY OF NAMING RIGHTS**

- A. Naming Rights may be renewed by the mutual agreement between all the parties.

#### **X. LIMIT OF NAMING RIGHTS**

- A. On the Part of the District  
The school district’s right to use the name and other brand elements of the named party is permitted by express agreement with the named party.
- B. On the Part of the Named Party  
The named party, after whom a building or part of a building is named, has no decision-making rights as to the purpose of the building or part of the building unless specifically provided for in the written agreement between the parties. The school district will not agree to any condition in an agreement that could unnecessarily limit progress toward the district’s mission and purpose, statutory obligations, or the local authority of the school board. In turn, the named party has no liability in respect of that building or part of a building unless provided for in a specific contract between the parties. Any such limits must be included in any naming rights’ agreement.

7.C.43. 901 Community Education

## **901 COMMUNITY EDUCATION**

### **I. PURPOSE**

The purpose of this policy is to convey to employees and to the general public the important role of community education within the school district.

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

The school board affirms a strong commitment to the community education program. The school board welcomes, and strongly encourages use of school buildings and activity areas by the community when not used for regularly scheduled elementary and secondary programs. The school administration should strive to accomplish the following objectives:

- A. Maximum use should be made of public school facilities within the school district service area.
- B. Educational needs and interest of area residents should be determined periodically.
- C. Community resources and expertise of residents should be utilized to develop a vibrant, well-rounded community education program.
- D. Area residents should be encouraged to actively participate in program opportunities.

### **III. COMMUNITY EDUCATION ADVISORY COUNCIL**

- A. The council shall assist in promoting the goals and objectives of the program.
- B. The membership of the community education advisory will consist of members who represent: various service organizations; churches; public and nonpublic schools; local government including elected officials; public and private nonprofit agencies serving youth and families; parents; youth; park, recreation or forestry services of municipal or local government units located in whole or in part within the boundaries of the school district; and any other groups participating in the community education program in the school district.
- C. Bylaws of the community education advisory council shall provide the framework for the organization including criteria pertaining to membership, officers' duties, frequency and structure of meetings and such other matters as deemed necessary and appropriate.
- D. The council will adopt a policy to reduce and eliminate program duplication within the school district.

***Legal References:*** Minn. Stat. § 123B.51 (Schoolhouses and Sites; **Uses for School and Nonschool Purposes; Closings** ~~Access for Noncurricular Purposes~~)  
Minn. Stat. § 124D.19, Subd. 1 (Community Education Programs; Advisory Council)  
Minn. Stat. § 124D.20, Subd. 1 (Community Education Revenue)

***Cross References:*** MSBA/MASA Model Policy 902 (Use of School District Facilities and Equipment)

Policy Adopted: October 13, 1997  
Revised: June 2004, September 2020  
Independent School District 110  
Waconia, MN

7.C.44. 903 Visitors to School District Buildings  
and Sites

## **903 VISITORS TO SCHOOL DISTRICT BUILDINGS AND SITES**

### **I. PURPOSE**

The purpose of this policy is to inform the school community and the general public of the position of the school board on visitors to school buildings and other school property.

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

- A. The school board encourages interest on the part of parents and community members in school programs and student activities. The school board welcomes visits to school buildings and school property by parents and community members provided the visits are consistent with the health, education and safety of students and employees and are conducted within the procedures and requirements established by the school district.
- B. The school board reaffirms its position on the importance of maintaining a school environment that is safe for students and employees and free of activity that may be disruptive to the student learning process or employee working environment.

### **III. POST-SECONDARY ENROLLMENT OPTIONS STUDENTS**

- A. A student enrolled in a post-secondary enrollment options course may remain at the school site during regular school hours in accordance with established procedures.
- B. A student enrolled in a post-secondary enrollment options course may be provided with reasonable access, during regular school hours, to a computer and other technology resources that the student needs to complete coursework for a post-secondary enrollment course in accordance with established procedures.

### **IV. RESPONSIBILITY**

- A. The school district administration shall present recommended visitor and post-secondary enrollment options student procedures and requirements to the school board for review and approval. The procedures should reflect input from employees, students and advisory groups, and shall be communicated to the school community and the general public. Upon approval by the school board, such procedures and requirements shall be an addendum to this policy.
- B. The superintendent shall be responsible for providing coordination that may be needed throughout the process and providing for periodic school board review and approval of the procedures.

### **V. VISITOR LIMITATIONS**

- A. An individual, post-secondary enrollment options student, or group may be denied permission to visit a school or school property or such permission may be revoked

if the visitor(s) does not comply with the school district procedures and regulations or if the visit is not in the best interest of students, employees or the school district.

- B. Visitors, including post-secondary enrollment options students, are authorized to park vehicles on school property at times and in locations specified in the approved visitor procedures and requirements which are an addendum to this policy or as otherwise specifically authorized by school officials. When unauthorized vehicles of visitors are parked on school property, school officials may:
1. move the vehicle or require the driver or other person in charge of the vehicle to move it off school district property; or
  2. if unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off of school property.
- C. An individual, post-secondary enrollment options student, or group who enters school property without complying with the procedures and requirements may be guilty of criminal trespass and thus subject to criminal penalty. Such persons may be detained by the school principal or a person designated by the school principal in a reasonable manner for a reasonable period of time pending the arrival of a police officer.

***Legal References:*** Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
Minn. Stat. § 124D.09 (Post-Secondary Enrollment Options Act Program)  
Minn. Stat. § 128C.08 (Assaulting a Sports Official Prohibited)  
Minn. Stat. § 609.605, Subd. 4 (Trespasses on School Property)

***Cross References:***

Policy Adopted: September 2004 Revised: April 2017/ November 2017  
Revised: August 2020  
Independent School District #110  
Waconia, MN

7.C.45. 903.1 AR Administrative Regulations (non-MSBA, 3-year cycle)

## 903 ADMINISTRATIVE REGULATIONS

### SCHOOL DISTRICT VISITOR/VOLUNTEER REGULATIONS

#### I. VISITOR/VOLUNTEER REGULATIONS

- A. During designated hours, visitors/volunteers to a school building must register at the main office or designated site by providing: (1) name, (2) time of entry, (3) name of person visiting or reason for visit, and (4) other information deemed appropriate by the building principal. Visitors may be asked to submit their driver's license or other valid form of government-issued identification containing a photograph to obtain a visitor pass. While in the school building, a visitor must wear the visitor pass provided at registration at all times. The visitor pass must be worn so that it is readily visible to other individuals in the building. Before exiting the school, the visitor must sign out and return the visitor pass.
- B. The school district administration reserves the right to select and determine the use of each volunteer based on the best interest of school building operations and the needs of students.
- C. The school district administration reserves the right to conduct a criminal background check on a volunteer before a volunteer's services are used. Background checks are required for any volunteer working with students outside of the direct supervision of a school employee. The school district administration further reserves the right to dismiss a volunteer from their services for failure to meet the guidelines established by the school district.
- D. An individual or group who enters school property without complying with the procedures and requirements may be guilty of criminal trespass and thus subject to criminal penalty. Such persons may be detained by the school principal or a person designated by the school principal in a reasonable manner for a reasonable period of time pending the arrival of a police officer.

**Legal References:** Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
Minn. Stat. § 128C.08 (Assaulting a Sports Official Prohibited)  
Minn. Stat. § 609.605, Subd. 4 (Trespasses on School Property)  
Minn. Stat. § 123B.03, Subd. 1(c) (Background Checks for School Volunteers)

**Cross References:** ISD 110 School Board Policy No. 903 (Visitors/Volunteers)  
ISD 110 School Board Policy No. 404 (Employment Background Checks)

Regulations Approved: April 2017, September 2020  
Independent School District #110  
Waconia, Minnesota

7.C.46. 904 Distribution of Materials on School  
District Property by Nonschool Persons (3-year  
Cycle)

**904 DISTRIBUTION OF MATERIALS ON SCHOOL DISTRICT PROPERTY BY NONSCHOOL PERSONS**

**I. PURPOSE**

The purpose of this policy is to provide for distribution of materials appropriate to the school setting by nonstaff and nonstudents on school district property in a reasonable time, place, and manner which does not disrupt the educational program nor interfere with the educational objectives of the school district.

**II. GENERAL STATEMENT OF POLICY**

- A. The school district intends to provide a method for nonschool persons and organizations to distribute materials appropriate to the school setting within the limitations and provisions of this policy.
- B. To provide for orderly and nondisruptive distribution of materials, the school board adopts the following regulations and procedures.

**III. DEFINITIONS**

- A. “Distribution” means circulation or dissemination of materials by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying materials, or placing materials in internal staff or student mailboxes.
- B. “Materials” includes all materials and objects intended by nonschool persons or nonschool organizations for distribution. Examples of nonschool-sponsored materials include, but are not limited to, leaflets, brochures, buttons, badges, flyers, petitions, posters, underground newspapers whether written by students, employees or others, and tangible objects.
- C. “Nonschool person” means any person who is not currently enrolled as a student in or employed by the school district.
- D. “Obscene to minors” means:
  - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
  - 2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals; and

3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- E. “Minor” means any person under the age of eighteen (18).
- F. “Material and substantial disruption” of a normal school activity means:
1. Where the normal school activity is an educational program of the school district for which student attendance is compulsory, “material and substantial disruption” is defined as any disruption which interferes with or impedes the implementation of that program.
  2. Where the normal school activity is voluntary in nature (including school athletic events, school plays and concerts, and lunch periods) “material and substantial disruption” is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, specific facts must exist upon which the likelihood of disruption can be forecast including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

- G. “School activities” means any activity sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays, other theatrical productions, and in-school lunch periods.
- H. “Libelous” is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower him or her in the esteem of the community.

#### **IV. GUIDELINES**

- A. Nonschool persons and organizations may, within the provisions of this policy, be granted permission to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, materials and objects which are appropriate to the school setting.
- B. Requests for distribution of materials will be reviewed by the administration on a case-by-case basis. However, distribution of the following materials is always prohibited. Material is prohibited that:
1. is obscene to minors;
  2. is libelous;

3. is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended;
4. advertises any product or service not permitted to minors by law;
5. advocates violence or other illegal conduct;
6. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religion, or ethnic origin);
7. presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.

C. Permission for nonschool persons to distribute materials on school district property is a privilege and not a right. In making decisions regarding permission for such distribution, the administration will consider factors including, but not limited to, the following:

1. whether the material is educationally related;
2. the extent to which distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline, or school activities;
3. whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flow in hallways;
4. the quantity or size of materials to be distributed;
5. whether distribution would require assignment of school district staff, use of school district equipment, or other resources;
6. whether distribution would require that nonschool persons be present on the school grounds;
7. whether the materials are a solicitation for goods or services not requested by the recipients.

## **V. TIME, PLACE, AND MANNER OF DISTRIBUTION**

If permission is granted pursuant to this policy for the distribution of any materials, the

time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

## **VI. PROCEDURES**

- A. Any nonschool person wishing to distribute materials must first submit for approval a copy of the materials to the administration at least five days in advance of desired distribution time, together with the following information:
1. Name and phone number of the person submitting the request.
  2. Date(s) and time(s) of day of requested distribution.
  3. If material is intended for students, the grade(s) of students to whom the distribution is intended.
  4. The proposed method of distribution.
- B. The administration will review the request and render a decision. The administration will assign a location and method of distribution and will inform the persons submitting the request whether nonschool persons may be present to distribute the materials. In the event that permission to distribute the materials is denied or limited, the person submitting the request should be informed in writing of the reasons for the denial or limitation.
- C. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of the school, the school board, or the individual reviewing the material submitted.
- D. In the event that permission to distribute materials is denied, the nonschool person or organization may request reconsideration of the decision by the superintendent. The request for reconsideration must be in writing and must set forth the reasons why distribution is desirable and in the interest of the school community.

## **VII. VIOLATION OF POLICY**

Any party violating this policy or distributing materials without permission will be directed to leave the school property immediately and, if necessary, the police will be called.

## **VIII. IMPLEMENTATION**

The school district administration may develop any additional guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.

*[Note: School districts are encouraged to consider additional guidelines which reflect*

*varied local practices relating to this subject matter including addressing the subject of consistency and uniformity for approving or disapproving practices under this policy.]*

**Legal References:** U. S. Const., amend. I  
*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)  
*Doe v. South Iron R-1 School District*, 498 F.3d 878 (8<sup>th</sup> Cir. 2007)  
*Bystrom v. Fridley High School*, 822 F.2d 747 (8<sup>th</sup> Cir. 1987)  
*Cornelius v. NAACP Legal Defense and Educational Fund, Inc.*, 473 U.S. 788, 105 S.Ct. 3439, 87 L.Ed.2d 567 (1985)  
*Perry Education Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 103 S.Ct. 948, 74 L.Ed.2d 794 (1983)  
*Roark v. South Iron R-1 School Dist.*, 573 F.3d 556 (8<sup>th</sup> Cir. 2009)  
*Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist.*, 640 F.3d 329 (8<sup>th</sup> Cir. 2011), cert. denied 565 U.S. 1036, 132 S.Ct. 592 (2011)

**Cross References:** MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 512 (School-Sponsored Student Publications)

Policy Adopted: September 2004  
Revised: September 2017, August 2020  
Independent School District #110  
Waconia, MN

7.C.47. 905 Advertising (3-year Cycle)

## 905 ADVERTISING

*[Note: School districts should carefully consider whether they wish to allow advertising in school district facilities or publications. Once advertisements are accepted, First Amendment Rights may limit the school district's ability to reject specific advertisements or to regulate the content of advertisements.]*

### I. PURPOSE

The purpose of this policy is to provide guidelines for the advertising or promoting of products or services to students and parents in the schools.

### II. GENERAL STATEMENT OF POLICY

The school district's policy is that the name, facilities, staff, students, or any part of the school district shall not be used for advertising or promoting the interests of a commercial or nonprofit agency or organization except as set forth below.

### III. ADVERTISING GUIDELINES

- A. School publications, including publications such as programs and calendars, may accept and publish paid advertising provided they receive advance approval from the appropriate administrator. In no instance shall publications accept advertising or advertising images for alcohol, tobacco, drugs, drug paraphernalia, weapons, or obscene, pornographic, or illegal materials. Advertisements may be rejected by the school district if determined to be inconsistent with the educational objectives of the school district or inappropriate for inclusion in the publication. For example, advertisements may be rejected if determined to be false, misleading, or deceptive, or if they relate to an illegal activity or antisocial behavior. The faculty advisor is responsible for screening all such advertising for appropriateness, including compliance with the school district policy prohibiting sexual, racial, and religious harassment.
- B. The school board may approve advertising in school district facilities or on school district property. Any approval will state precisely where such advertising may be placed. The restrictions listed in Section A. above will apply. Advertising will not be allowed outside the specific area approved by the school board. Specific advertising must be approved by the superintendent or designee. In no instance will an advertising device be erected or maintained within 100 feet of a school that is visible to and primarily intended to advertise and inform or to attract or which does attract the attention of operators and occupants of motor vehicles.
- C. Donations which include or carry advertisements must be approved by the school board.
- D. The school district or a school may acknowledge a donation it has received from an organization by displaying a "donated by," "sponsored in part by," or a similar by-line with the organization's name and/or symbol on the item. Examples include

activity programs or yearbooks.

- E. Nonprofit entities and organizations may be allowed to use the school district name, students, or facilities for purposes of advertising or promotion if the purpose is determined to be educationally related and prior approval is obtained from the school board. Advertising will be limited to the specific event or purpose approved by the school board.
- F. Contracts for computers or related equipment or services that require advertising to be disseminated to students will not be entered into or permitted unless done pursuant to and in accordance with state law.
- G. The inclusion of advertisements in school district publications, in school district facilities, or on school district property does not constitute approval and/or endorsement of any product, service, organization, or activity. Approved advertisements will not imply or declare such approval or endorsement.

#### **IV. ACCOUNTING**

Advertising revenues must be accounted for and reported in compliance with UFARS. A periodic report shall be made to the school board by the superintendent regarding the scope and amount of such revenues.

***Legal References:*** Minn. Stat. § 123B.93 (Advertising on School Buses)  
Minn. Stat. § 125B.022 (Contracts for Computers or Related Equipment or Service)  
Minn. Stat. § 173.08 (Excluded Road Advertising Devices)

***Cross References:*** MSBA/MASA Model Policy 421 (Gifts to Employees and School Board Members)  
MSBA/MASA Model Policy 702 (Accounting)

Policy Adopted: August 2020  
Independent School District 110  
Waconia, MN

7.C.48. 906 Community Notification of Predatory  
Offenders

## 906 COMMUNITY NOTIFICATION OF PREDATORY OFFENDERS

*[Note: School board adoption of a policy regarding a predatory offender notification is discretionary. ~~The Sex Offender Community Notification Act, Minn. Stat. §~~ **Minnesota Statutes section 244.052** imposes duties on law enforcement agencies but does not impose mandatory notification duties on school districts except as set forth in Paragraph IV.B.6., below.]*

### I. PURPOSE

The purpose of this policy is to assist school administrators and staff members in responding to a notification by a law enforcement agency that a convicted predatory offender is moving into the school district so that they may better protect individuals in the school's care while they are on or near the school district premises or under the control of the school district.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to provide information to staff regarding known predatory offenders that are moving into the school district so that they may monitor school premises for the safety of the school, its students, and employees. Staff will be notified as appropriate and have access to Offender Fact Sheets.
- B. The superintendent, in cooperation with appropriate school transportation officials, will evaluate bus routes and bus stops. Bus drivers will have access to Offender Fact Sheets. If necessary, bus stops may be moved if they place children in close proximity to a predatory offender who has been convicted of crimes against children of similar ages.
- C. The superintendent, in conjunction with the building principal or designee, shall prepare or provide safety information for distribution to students regarding protecting themselves from abuse, abduction, or exploitation. The school district will prepare a list of available resources. Staff will provide safety information to students on how to protect themselves against abuse, abduction, or exploitation. School officials may ask their police liaison officer or local law enforcement officials for assistance in providing instruction to staff and students.

### III. DEFINITIONS

- A. ~~The “Sex Offender Community Notification Act,” Minn. Stat. §~~ **Minnesota Statutes section 244.052**, as amended, allows law enforcement agencies to disclose information about certain predatory offenders when they are released into the community. The information disclosed and to whom it is disclosed will depend upon their assessment of the level of risk posed by the predatory offender.
- B. “Risk Level Assessment” is the level of danger to the community as established by the Minnesota Department of Corrections following a review by a committee

of experts. The level of risk assigned to a soon-to-be-released offender determines the scope of notification. (~~Minn. Stat. § 244.052, Subds. 2, 3~~)

C. “Risk Levels”

1. “Level I” – Risk Level I is assigned to a predatory offender whose risk assessment score indicates a low risk of reoffense.
2. “Level II” – Risk Level II is assigned to a predatory offender whose risk assessment score indicates a moderate risk of reoffense.
3. “Level III” – Risk Level III is assigned to a predatory offender whose risk assessment score indicates a high risk of reoffense.

(~~Minn. Stat. § 244.052, Subd. 3(e)~~)

D. “Notification or Disclosure by Law Enforcement Agency”

1. Risk Level I – The local law enforcement agency may disclose certain information to other law enforcement agencies and to any victims of or witnesses to the offense committed by the offender. There will be no disclosure to school districts.
2. Risk Level II – In addition to those notified in Level I, a law enforcement agency may notify agencies and groups the offender is likely to encounter that the offender is about to move into the community and provide to those agencies and groups an Offender Fact Sheet on the offender. School districts, private schools, day care centers, and other institutions serving those likely to be victimized by the predatory offender are included in a Level II notification.
3. Risk Level III – In most cases, the local law enforcement agencies will hold a community meeting and distribute an Offender Fact Sheet with information concerning and a photograph of the soon-to-be-released Level III offender.

(~~Minn. Stat. § 244.052, Subd. 4~~)

E. “Offender Fact Sheet” is a data sheet compiled by the Department of Corrections or local law enforcement agency. The Offender Fact Sheet contains both public and private data including a photograph and physical description of the predatory offender, as well as the general location of the offender’s residence.

1. A local law enforcement agency will generally provide Offender Fact Sheets for Level II predatory offenders directly to the school district.
2. Level III Offender Fact Sheets will be distributed at a community meeting conducted by the local law enforcement agency.

- F. “Law enforcement agency” means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release. (~~Minn. Stat. § 244.052, Subd. 1(3))~~)
- G. “Criminal history conviction data” is public data on a convicted criminal which is compiled by the State Bureau of Criminal Apprehension (BCA). (~~Minn. Stat. § 13.87~~)

#### IV. PROCEDURES

##### A. Level II Notification

In keeping with the statutorily designated purpose that Offender Fact Sheets are to be used by staff members to secure the school and protect individuals in the school district’s care while they are on or near the school district’s premises or under the control of the school district, the school district will take the following steps:

1. The superintendent shall notify the law enforcement agencies within the school district that all appropriate Level II and Level III notifications are to be provided at least to the superintendent of schools.
2. Upon notification of the release of a Level II predatory offender, the superintendent shall forward the Offender Fact Sheet to all building principals and central office administrators. This would include transportation, food service and buildings and grounds supervisors.
3. Principals of schools in close proximity to the Level II predatory offender’s residence shall meet with staff and show the Offender Fact Sheet to persons within the buildings who supervise students or who would be in a position to observe if the Level II offender was in or around the school. This includes, but is not limited to, administrators, teachers, coaches, paraprofessionals, custodians, clerical and office workers, food service workers, volunteers, and transportation providers.
4. The school district shall request criminal history conviction data on the Level II predatory offender from its local law enforcement agency. On a case-by-case basis, the superintendent may determine whether to send a letter to parents with general information regarding release of the Level II offender and a copy of the criminal history conviction data that the school district obtained from its local law enforcement agency. The offender fact sheet contains data classified as private or not public under Minnesota law and may only be distributed to parents, students, or others outside the school district if it determines the release is for the purpose of securing the schools and protecting individuals under the school district’s care while they are on or near school premises.

5. The building administrator shall cause the Offender Fact Sheet to be posted in each building in an area accessible to staff and employees but not the general public unless a determination has been made that public posting will help secure the school or protect students.
6. The school district shall not distribute or provide access to Level II Offender Fact Sheets to parents, students, or others outside the school district unless a determination has been made that dissemination of the data will help secure the school or protect students.

***[Note: The **Minnesota** Department of Administration issued an opinion confirming that the Predatory Offender Fact Sheet contains private data or not public data. However, it is the department's opinion that a school district may release any information contained in the notification to anyone, including staff, students, parents, and guardians, if it determines that the release of data will help secure the school or protect students.]***

B. Level III Notification

1. The superintendent shall notify the law enforcement agencies within the school district that all Level III notifications of community meetings are to be provided to the superintendent of schools.
2. When a Level III predatory offender is released into a community, generally the local law enforcement agency will notify the school district of the time and location of the community meeting at which the Level III Offender Fact Sheet will be distributed to the community.
3. When the school district receives this information, the superintendent shall determine on a case-by-case basis whether the school district will notify parents and students of the time, date, and location of the community meeting.
4. When notified of a Level III predatory offender community meeting the superintendent or another school district administrator designated by the superintendent shall attend the community notification meeting.
5. When the school district receives information that a Level III predatory offender is moving into the school district, in addition to following the procedures specified above, the school district shall follow the procedures outlined for a Level II notification.
6. If the predatory offender is participating in programs offered by the school district that require or allow the person to interact with children other than the person's children, the superintendent shall notify parents of children in the school district of the contents of the Offender Fact Sheet.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 244.052 (**Predatory Offenders; Notice Community Notification**)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 U.S.C. 20901 ~~42 U.S.C. § 16901~~ *et seq.* (Jacob **Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program**)  
Dept. of Admin. Advisory Op. No. 98-004

**Cross References:** 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 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)

Policy adopted: September 2017  
Revised: Dec 2020  
Independent School District No. 110  
Waconia, MN

7.C.49. 907 Rewards

**I. PURPOSE**

The purpose of this policy is to authorize the school board to offer rewards to persons who provide accurate and reliable information leading to the conviction of a person who has committed or conspired to commit a crime against students or school employees, volunteers, or school board members as a result of their affiliation with the school district, or against school district property.

**II. GENERAL STATEMENT OF POLICY**

The school board believes that, in certain circumstances, the offering of a reward may lead to the receipt of information that would solve or prevent a crime against students, school employees, volunteers, school board members, or school district property. The school board also believes that the fact that the school board may offer a reward may have a deterrent effect on the commission of such crimes.

**III. APPROVAL OF OFFERING OF REWARDS**

The school board shall approve the offering of any rewards by the school district. The approval shall specify the amount of the reward and the crime to which it is applicable. The approval may relate to a specific incident or to a continuing category of crime, i.e., assault of a teacher, damage to school property, etc.

**IV. ESTABLISHMENT OF PROCEDURES**

The superintendent shall approve the timing and method of payment of any reward earned by an information provider. The information provided must have led to the conviction of the person who committed or conspired to commit the crime for which the reward was offered.

**Legal References:** Minn. Stat. § 123B.02, Subd. 22 (**General Powers of Independent School Districts Reward**)

**Cross References:**

PolicyAdopted;May2006

Policy Reviewed: September 2017, Dec 2020

Independent School District No. 110

Waconia, MN

8. **DISCUSSION ITEMS**

8.A. First Read Board Policies

8.A.1. 416 Drug and Alcohol Testing

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

## 416 DRUG AND ALCOHOL TESTING

*[Note: Drug and ~~Alcohol~~ ~~Testing~~ of school bus drivers and applicants is mandatory under federal law. The mandatory testing is described under Part III. of the policy. Testing of other employees or testing of school bus drivers beyond that mandated by federal law is optional ~~but~~ **and** can be done under state law only if a policy containing provisions such as the provisions of Part IV. of this policy are adopted. To preserve the right to request or require school district employees who are not bus drivers and applicants to undergo drug and/or alcohol testing or to require bus drivers to submit to testing that is not federally mandated, a school district should adopt Part IV. as part of its drug and alcohol testing policy.]*

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

equipment, and at any school-sponsored program or event. Use of drugs ~~which~~ **that** are not medically prescribed, including medical cannabis, ~~regardless of whether~~ **or not** it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs ~~which~~ **that** are not medically prescribed are prohibited from entering or remaining on school district property.

- D. The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline ~~which~~ **that** includes, but is not limited to, immediate suspension without pay and immediate discharge.

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

#### **A. General Statement of Policy**

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

#### **B. Definitions**

1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.
2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.

4. “Commercial Motor Vehicle” (CMV) includes a vehicle ~~which~~ **that** is designed to transport 16 or more passengers, including the driver.
5. “Designated Employer Representative” (DER) means **an employee authorized by the school district** ~~a designated school district representative authorized~~ to take immediate action to remove employees from safety-sensitive duties, **or cause employees to be removed from these covered duties, and** to make required decisions in the testing and evaluation process.; ~~and to~~ **The DER** receives test results and other communications for the school district.
6. “Department of Transportation” (DOT) means United States Department of Transportation.
7. **“Direct Observation” means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.**
8. “Driver” is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers, and independent owner-operator contractors.
9. “Evidential Breath Testing Device” (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
10. **“Licensed Medical Practitioner” means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.**
11. “Medical Review Officer” (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district’s drug testing program and for evaluating medical explanations for certain drug tests.
12. “Refusal to Submit” (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver’s provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made

that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed by the school district or the collector; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.

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

C. Policy and Educational Materials

*[Note: The federal regulations require that school districts provide materials to bus drivers explaining the school district's policies and procedures and the federal requirements with respect to the mandatory drug and alcohol testing of*

*bus drivers. 49 Code of Federal Regulations section C.F.R. § 382.601. Almost all Most of the required information is contained within this model policy. Additional materials to be provided to employees are described in Paragraph 2. of this Section C.]*

1. The school district shall provide a copy of this policy and procedures to each driver prior to the start of its alcohol and drug testing program and to each driver subsequently hired or transferred into a position requiring driving of a CMV.
2. The school district shall provide to each driver information **required under Title 49 of the Code of Federal Regulations, including information** concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or **drug controlled substance** problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.
3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.
4. The school district shall require each driver to sign a statement certifying that **the driver** ~~he or she has~~ received a copy of the policy and materials. This statement should be in the form of Attachment A to this policy. The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.

*[Note: The federal regulations require a school district to obtain a signed statement from each driver certifying that he or she ~~has~~ received a copy of these materials. 49 Code of Federal Regulations section C.F.R. § 382.601(d). The original signed certificate must be maintained by the school district and a copy may be provided to the driver.]*

D. Alcohol and Controlled Substances Testing Program Manager

*[Note: School districts are required by the federal regulations to designate a person to answer driver questions about the policy and the education materials described in Section C. above and to notify the drivers of the designation. 49 Code of Federal Regulations section C.F.R. § 382.601(b)(1).]*

1. The program manager will coordinate the implementation, direction, and administration of the alcohol and controlled substances testing policy for bus drivers. The program manager is the principal contact for the collection site, the testing laboratory, the MRO, the BAT, the SAP, and the person submitting to the test. Employee questions concerning this policy shall be directed to the program manager.

2. The school district shall designate a program manager and provide written notice of the designation to each driver along with this policy.

E. Specific Prohibitions for Drivers

*[Note: The specific prohibitions for drivers are contained, in large part, in 49 Code of Federal Regulations sections ~~C.F.R.~~ § 382.201-382.215.]*

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until **the driver** ~~he or she~~ undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed ~~physician~~ **medical practitioner** who **is familiar with the driver's medical history and** has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.
8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for

controlled substances.

9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district ~~which~~ **that** prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

*[Note: Consequences for drivers engaging in alcohol-related conduct are described in the federal regulations. 49 Code of Federal Regulations section C.F.R. § 382.505.]*

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

G. Prescription Drugs/Cannabinoid Products

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

H. Testing Requirements

**[Note: School district must utilize the U.S. DOT Drug & Alcohol Clearinghouse ("Clearinghouse") to conduct pre-employment queries, annual queries, and reports regarding CDL holders who operate CMVs on public roads (including school bus drivers) and who are covered by the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Testing Program. In addition to utilizing the Clearinghouse, school districts must continue to comply with the alcohol and controlled substance testing required under Title 49 of the Federal Regulations.]**

1. Pre-Employment Testing

***[Note: 49 Code of Federal Regulations section ~~C.F.R.~~ § 382.301 details the requirements for pre-employment testing.]***

- a. A driver applicant shall undergo testing for [alcohol and] controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.

***[Note: A school district is permitted, but not required, to conduct pre-employment testing for the use of alcohol. If a school district elects to require pre-employment testing for alcohol, it should include the bracketed text in Subparagraph a., above, and test all applicants uniformly.]***

- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. ~~In order to~~ **To** be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.

***[Note: The federal regulations require school districts to inquire about, obtain, and review alcohol and controlled substances information from prior employers pursuant to a driver's written authorization, prior to the time a driver performs safety-sensitive functions, if feasible. 49 Code of Federal Regulations section ~~C.F.R.~~ § 382.413 and 49 Code of Federal Regulations section ~~C.F.R.~~ § 40.25. If not feasible, school districts must not permit the employee to perform safety-sensitive functions for more than thirty (30) days from the date a safety-sensitive function was performed unless the school districts make good faith efforts to obtain the information and to make a record of those efforts to be retained in the driver's qualification file.]***

- d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.
- e. **Before employing a driver subject to controlled substances and**

alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver’s License (CDL) Drug and Alcohol Clearinghouse (“Clearinghouse”) to obtain information about whether the driver (1) has a verified positive, adulterated, or substituted controlled substances test result; (2) has an alcohol confirmation test with a concentration of 0.04 or higher; (3) has refused to submit to a test in violation of federal law; or (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following and accident in violation of federal law. The applicant just give specific written or electronic consent for the school district to conduct the Clearinghouse full query. The school district shall retain the consent for three (3) years from the date of query.

2. Post-Accident Testing

***[Note: 49 Code of Federal Regulations section ~~C.F.R.~~ § 382.303 governs post-accident testing of drivers.]***

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

- g. The school district shall report drug and alcohol program violations to the Clearinghouse as required under federal law.

3. Random Testing

*[Note: 49 Code of Federal Regulations section C.F.R. § 382.305 governs random testing of drivers.]*

- a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.

*[Note: The Federal Highway Administration (FHWA) lowered set the random alcohol selection and testing rate from at 1025% of the average number of driver positions to 10% in 1998 and evaluates this minimum percentage each year. School districts can elect to stay at the 1998 level of 25% (or a higher percentage) if they do not want to monitor the minimum annual percentage rate set by the FHWA. The random controlled substances selection and testing rate has remained at 50% each year and has not been lowered to 25% as is possible under the regulations.]*

- b. The school district shall test for alcohol at a minimum annual percentage rate of 10% of the average number of driver positions, and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.
- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made. Each driver selected for testing shall be tested during the selection period.
- d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.
- e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

*[Note: 49 Code of Federal Regulations section C.F.R. § 382.307 governs reasonable suspicion testing of drivers.]*

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty or within four (4) hours before coming on duty, **or just after the period of the work day**. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.
- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

***[Note: 49 Code of Federal Regulations sections C.F.R. § 382.309, 40.23(d), and 40.305 govern return-to-duty testing.]***

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

***[Note: 49 Code of Federal Regulations sections C.F.R. § 382.311, 40.307,***

*and 40.309 govern follow-up testing.]*

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

*[Note: Consequences for refusals to submit to required drug and alcohol tests are addressed generally in 49 Code of Federal Regulations sections C.F.R. § 40.191, 40.261, and 382.211. They are more specifically addressed in 49 Code of Federal Regulations section C.F.R. § 382.501-382.507 and in 49 United States Code section U.S.C. § 521(b).]*

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

I. Testing Procedures

1. Drug Testing

*[Note: The Federal Drug Testing Custody and Control Form (CCF) must*

***be used to document every urine collection required by the DOT drug testing program. 49 Code of Federal Regulations section C.F.R. § 40.45.]***

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

shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.

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

## 2. Alcohol Testing

***[Note: The DOT Alcohol Testing Form (ATF) must be used for every DOT alcohol test. 49 Code of Federal Regulations section C.F.R. § 40.225]***

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a “negative” test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor’s inability to provide a breath sample is genuine or constitutes a refusal to test.

- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.
- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

- 1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver's or driver applicant's expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.

*[Note: The limitation on discharge in Paragraph 2., below, is contained solely in Minnesota law. State law is preempted by federal laws and regulations as it relates to drivers of commercial motor vehicles (such as bus drivers). See **Minnesota Statutes Minn. Stat. § 221.031, Subd. Subdivision 10**. Nevertheless, school districts may decide to comply with the state law requirements for various reasons (such as to treat all school district employees equally since employees subject to testing only under state law are accorded these additional rights). Consultation with the school district's legal counsel is recommended.]*

- 2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and
  - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
  - c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing laboratory for controlled substances will be [*name, address, telephone number*], which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

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

M. Recordkeeping Requirements and Retention of Records

1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.

*[Note: The federal recordkeeping requirements for school districts are detailed in the federal regulations 49 Code of Federal Regulations sections ~~C.F.R. § 382.401 et seq. and 40.331~~. The DOT publishes a guide to the recordkeeping requirements of mandatory drug and alcohol testing for persons with a commercial driver’s license as part of its Alcohol & Drugs: DOT Compliance Manual.]*

2. The required records shall be retained for the following minimum periods:

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

Information obtained from previous employers	3 years
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<del>Collection records</del> <b>Alcohol and controlled substance collection procedures</b>	2 years
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Negative and cancelled <del>drug</del> <b>controlled substance</b> tests	1 year
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Alcohol tests with less than 0.02 concentration	1 year
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Education and training records	indefinite
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“Education and training records” must be maintained while the individuals perform the functions which require training and for the

two (2) years after ceasing to perform those functions.

### 3. Personal Information

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

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

### N. Training

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

### O. Consequences of Prohibited Conduct and Enforcement

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

2. Referral, Evaluation, and Treatment

- a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.

***[Note: Subparagraphs b. and c., below, are based on the provisions of 49 Code of Federal Regulations section C.F.R. § 40.289.]***

- b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.

***[Note: School districts are not required to comply with state law governing drug and alcohol testing when the individuals are subject to the federal laws and regulations (i.e., bus drivers). If a school district, after consultation with legal counsel, chooses to comply voluntarily with these requirements, Subparagraph b., above, can be modified as follows:***

***b. The school district will offer a driver an opportunity to return to a DOT safety-sensitive duty following an employee's first positive test result on a confirmatory test if no reasons independent of the first test result for discharge exist. Otherwise, the school district may choose, but is not required, to provide an SAP evaluation or any subsequent recommended education or treatment.]***

- c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
- d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

3. Disciplinary Action

- a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- b. Drivers who test positive with verification of a confirmatory test or

are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.

- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

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

*[Note: When the testing of drivers complies with federal testing requirements and procedures, school districts clearly are exempt from the state drug and alcohol testing requirements in Minnesota Statutes, sections Minn. Stat. §§ 181.950-181.957. See Minnesota Statutes, Minn. Stat. §§ 221.031, Subd. subdivision 10. When testing beyond the federally mandated requirements, however, school districts still must comply with state law.]*

Q. **Report to Clearinghouse**

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

R. **Annual Clearinghouse Query**

- 1. The school district must conduct a query of the Clearinghouse record at least once per year for information for all employees subject to controlled substance and alcohol testing related to CMV operation to determine whether information exists in the Clearinghouse about those employees. In lieu of a full query, the school district may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the driver in the Clearinghouse but will not release that information to the employer. If the limited query shows that information exists in the Clearinghouse about the driver, the school district must conduct a full query within twenty-

four (24) hours or must not allow the driver to continue to perform any safety-sensitive function until the employee conducts the full query and the results confirm the driver's Clearinghouse record contains no prohibitions showing the driver has a verified positive, adulterated or substitute controlled substance test, no alcohol confirmation test with a concentration of 0.04 or higher, refuses to submit to a test, or was reported to have used alcohol on duty, before duty, following an accident or otherwise used a controlled substance in violation of the regulations except where the driver completed the SAP evaluation, referral and education/treatment process as required by the regulation. The school district shall comply with the query requirements set forth in 49 Code of Federal Regulations 382.701.

2. The school district may not access an individual's Clearinghouse record unless the school district (1) obtains the individual's prior written or electronic consent for access to the record; and (2) submits proof of the individual's consent to the Clearinghouse. The school district must retain the consent for three (3) years from the date of the last query. The school district shall retain three (3) years a record of each request for records from the Clearinghouse and the information received pursuant to the request.

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

4. The school district may use an individual's Clearinghouse record only to assess and evaluate whether a prohibition applies with respect to the individual to operate a CMV for the school district.

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

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

##### **A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:**

###### **1. General Limitations**

a. The school district will not request or require an employee or job

applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory ~~which participates in one of the programs~~ **that meets one of the criteria** listed in **Minnesota Statutes, section Minn. Stat. § 181.953, Subd. subdivision 1.**

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

2. Job Applicant Testing

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

3. Random Testing

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

4. Reasonable Suspicion Testing

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

- a. is under the influence of drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in **Minnesota Statutes, section Minn. Stat. § 176.011, Subd. subdivision 16**, or has caused another employee to sustain a personal injury; or

- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

5. Treatment Program Testing

The school district may request or require any employee to undergo drug and alcohol testing if the employee has been referred by the school district for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.

6. Routine Physical Examination Testing

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

B. No Legal Duty to Test

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

C. Definitions

1. "Drug" means a controlled substance as defined in Minnesota Statutes, including medical cannabis, regardless of enrollment in the state registry program.
2. "Drug and aAlcohol testing," "dDrug or aAlcohol tTesting," and "dDrug or aAlcohol tTest" mean analysis of a body component sample ~~according to the standards established under one of the programs listed in Minnesota Statutes, section~~ Minn. Stat. § 181.953, Subd. ~~subdivision~~ 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
3. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license,

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

4. "Job ~~a~~Applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.).
5. "Positive ~~t~~Test ~~r~~Result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in **Minnesota Statutes, section Minn. Stat. § 181.953, Subd. subdivision 1.**
6. "Random ~~s~~Selection ~~b~~Basis" means a mechanism for selection of employees that:
  - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
  - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
7. "Reasonable ~~s~~Suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
8. "Safety-~~s~~Sensitive ~~p~~Position" means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

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

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

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

IV.D.

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

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

2. Notice of Test Results

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

3. Notice of and Right to Test Result Report

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

4. Notice of and Right to Explain Positive Test Result

a. If an employee or job applicant has a positive test result on a

confirmatory test, the school district shall provide ~~him or her~~ **the individual** with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information.

- b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- c. The employee may present verification of enrollment in the medical cannabis patient registry as part of the employee's explanation.
- d. **Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for marijuana. MROs will verify a drug test confirmed as positive, even if an employee claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.**
- e. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide ~~him or her~~ **the individual** with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under **Minnesota Statutes, section** ~~Minn. Stat. §~~ 181.953, **Subd. subdivision** 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The

confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

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

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

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

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

rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.

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

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

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

H. Chain-of-Custody Procedures

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

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;

2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;
3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

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

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

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

4. Privilege

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

J. Notice of Testing Policy to Affected Employees

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

## V. POSTING

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

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

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

Policy adopted: June 8, 1998

Revised: February 11, 2002, May 2008, June 2011

Reviewed: Oct. 2016, December 9, 2019

Independent School District No. 110  
Waconia, MN 55387

8.A.2. 424 License Status

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

## 424 LICENSE STATUS

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

### I. PURPOSE

The purpose of this policy is to ensure that qualified teachers are employed by the school district and to fulfill its duty to ascertain the licensure status of its teachers. A school board that employs a teacher who does not hold a valid teaching license or permit places itself at risk for a reduction in state aid. This policy does not negate a teacher's duty and responsibility to maintain a current and valid teaching license.

### II. GENERAL STATEMENT OF POLICY

- A. A qualified teacher is one holding a valid license to perform the particular service for which the teacher is employed by the school district.
- B. No person shall be a qualified teacher until the school district verifies, through the Minnesota education licensing system available on the Minnesota Professional Educator Licensing and Standards Board website, that the person is a qualified teacher consistent with state law.
- C. The school district has a duty to ascertain the licensure status of its teachers and ensure that the school district's teacher license files are up to date. The school district shall establish a procedure for annually reviewing its teacher license files to verify that every teacher's license is current and appropriate to the particular service for which the teacher is employed by the school district.
- D. The school district must annually report to the Professional Educator Licensing and Standards Board: (1) all new teacher hires and terminations, including layoffs, by race and ethnicity; and (2) the reasons for all teacher resignations and requested leaves of absence. The report must not include data that would personally identify individuals.

### III. PROCEDURE

- A. The superintendent or the superintendent's designee shall establish a schedule for the annual review of teacher licenses.
- B. Where it is discovered that a teacher's license will expire within one year from the date of the annual review, the superintendent or the superintendent's designee will advise the teacher in writing of the approaching expiration and that the teacher must complete the renewal process and file the license with the superintendent prior to the expiration of the current license. However, failure to provide this notice does not relieve a teacher from his/her duty and responsibility of ensuring that his/her teaching license is valid, current and appropriate to his/her teaching assignment.

- C. If it is discovered that a teacher's license has expired, the superintendent will immediately investigate the circumstances surrounding the lack of license and will take appropriate action. The teacher shall be advised that the teacher's failure to have the license reinstated will constitute gross insubordination, inefficiency and willful neglect of duty which are grounds for immediate discharge from employment.
  
- D. The duty and responsibility of maintaining a current and valid teaching license appropriate to the teaching assignment as required by this policy shall remain with the teacher, notwithstanding the superintendent's failure to discover a lapsed license or license that does not support the teaching assignment. A teacher's failure to comply with this policy may be grounds for the teacher's immediate discharge from employment.

**Legal References:** Minn. Stat. § 122A.16 (Qualified Teacher Defined)  
Minn. Stat. § 122A.22 (District Verification of Teacher Licenses)  
Minn. Stat. § 122A.40, Subd. 13 (Employment; Contracts; Termination – Immediate Discharge)  
Minn. Stat. § 127A.42 (Reduction of Aid for Violation of Law)  
*Vettleson v. Special Sch. Dist. No. 1*, 361 N.W.2d 425 (Minn. App. 1985)  
*Lucio v. School Bd. of Independent Sch. Dist. No. 625*, 574 N.W.2d 737 (Minn. App. 1998)  
*In the Matter of the Proposed Discharge of John R. Statz* (Christine D. VerPloeg), June 8, 1992, *affirmed*, 1993 WL 129639 (Minn. App. 1993)

**Cross References:**

Policy Adopted: May 2008  
Revised: Nov 2016 / December 2019 / March 2023  
Independent School District  
Waconia, MN

8.A.3. 513 Student Promotion, Retention, and  
Program Design

**Presenter:** Erika  
Nevig, Director of  
Educational Services

## 513 STUDENT PROMOTION, RETENTION, AND PROGRAM DESIGN

### I. PURPOSE

The purpose of this policy is to provide guidance to professional staff, parents, and students regarding student promotion, retention, and program design.

### II. GENERAL STATEMENT OF POLICY

The school board expects all students to achieve at an acceptable level of proficiency. Parental assistance, tutorial and remedial programs, counseling, and other appropriate services shall be coordinated and utilized to the greatest extent possible to help students succeed in school.

#### A. Promotion

Students who achieve at levels deemed acceptable by local and state standards shall be promoted to the next grade level at the completion of each school year.

#### B. Retention

Retention of a student may be considered when professional staff and parents feel that it is in the best interest of the student. Physical development, maturity, and emotional factors shall be considered, as well as scholastic achievement. The superintendent's decision shall be final.

#### C. Program Design

1. The superintendent, with participation of the professional staff and parents, shall develop and implement programs to challenge students that are consistent with the needs of students at every level. A process to assess and evaluate students for program assignment shall be developed in coordination with such programs. Opportunities for special programs and placement outside of the school district shall also be developed as additional options. All programs will be aligned with creating the World's Best Workforce.

2. The school district may identify students, locally develop programs and services addressing instructional and affective needs, provide staff development, and evaluate programs to provide gifted and talented students with challenging and appropriate educational programs and services.

23. The school district will **must** adopt guidelines for assessing and identifying students for participation in gifted and talented programs **and services consistent with Minnesota Statutes, section 120B.11**. The guidelines should include the use of:
- a. multiple objective criteria; and
  - b. assessments and procedures that are valid and reliable, fair, and based on current theory and research. Assessments and procedures should be sensitive to under-represented groups, including, but not limited to, low-income, minority, twice-exceptional, and English learners.
34. The school district will **must** adopt procedures for the academic acceleration of gifted and talented students. These procedures will include how the school district will:
- a. assess a student's readiness and motivation for acceleration; and
  - b. match the level, complexity, and pace of the curriculum to a student to achieve the best type of academic acceleration for that student.
45. The school district will **must** adopt procedures **consistent with Minnesota Statutes, section 124D.02 for early admission to kindergarten or first grade of gifted or talented learners consistent with Minnesota Statutes, section 120B.11, subdivision 2, clause (2)**. ~~which describe the comprehensive evaluation in cognitive, social, and emotional development domains to help determine a child's ability to meet kindergarten grade expectations and progress to first grade in the subsequent year for early admission to kindergarten or first grade of gifted and talented learners. The comprehensive evaluation must use valid and reliable instrumentation, be aligned with state kindergarten expectations, and include a parental report and teacher observations of the child's knowledge, skills, and abilities.~~ The procedures must be sensitive to under-represented groups.

**Legal References:** Minn. Stat. § 120B.15 (Gifted and Talented Program) Minn. Stat. § 123B.143, Subd. 1 (Superintendents)

**Cross References:** 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 620 (Credit for Learning)

Policy Adopted: June 11, 2002

Reviewed Dec. 19, 2005, revised January 14, 2010, reviewed June 2018, revised February  
2020, reviewed July 2023

Independent School District 110  
Waconia, MN

8.A.4. 601 School District Curriculum and  
Instruction Goals

**Presenter:** Erika  
Nesvig, Director of  
Educational  
Serviceson

## 601 SCHOOL DISTRICT CURRICULUM AND INSTRUCTION GOALS

*[Note: Minn. Stat. § 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. § 120B.11.]*

### I. PURPOSE

The purpose of this policy is to establish broad curriculum parameters for the school district that encompass the Minnesota Academic Standards and federal law and are aligned with creating the world's best workforce.

### II. GENERAL STATEMENT OF POLICY

The policy of the school district is to establish the “world's best workforce” in which all learning in the school district should be directed and for which all school district learners should be held accountable.

### III. DEFINITIONS

- A. “Academic standard” means a summary description of student learning in a required content area or elective content area.
- B. “Antiracist” means actively working to identify and eliminate racism in all forms in order to change policies, behaviors, and beliefs that perpetuate racist ideas and actions.
- C. “Benchmark” means specific knowledge or skill that a student must master to complete part of an academic standard by the end of the grade level or grade band.
- D. “Culturally sustaining” means integrating content and practices that infuse the culture and language of Black, Indigenous, and People of Color communities who have been and continue to be harmed and erased through the education system.
- E. “Curriculum” means district or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge, skills, and career and college readiness.
- F. “Ethnic studies” as defined in Minnesota Statutes, section 120B.25, has the same meaning for purposes of this section. Ethnic studies curriculum may be integrated in existing curricular opportunities or provided through additional curricular offerings.

- G. “Experiential learning” means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.
- H. “Instruction” means methods of providing learning experiences that enable students to meet state and district academic standards and graduation requirements **including applied and experiential learning**.
- I. “Performance measures” are measures to determine school district and school site progress in striving to create the world’s best workforce and must include at least the following:
  1. the size of the academic achievement gap; ~~and~~ rigorous course taking, including college-level advanced placement, international baccalaureate, postsecondary enrollment options, including concurrent enrollment, other rigorous courses of study or industry certification courses or programs, and enrichment experiences by student subgroup;
  2. student performance on the Minnesota Comprehensive Assessments;
  3. high school graduation rates; and
  4. career and college readiness under ~~Minn. Stat. §~~ **Minnesota Statutes, section 120B.30, Subd. subdivision 1**.
- J. “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.

~~H. “Experiential learning” means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.~~

#### IV. LONG-TERM STRATEGIC PLAN

- A. The school board, at a public meeting, shall **must** adopt a comprehensive, long-term strategic plan to support and improve teaching and learning that is aligned with creating the world’s best workforce and includes the following:

1. clearly defined school district and school site goals and benchmarks for instruction and student achievement for all student categories identified in **Minnesota Statutes, section 120B.345, subdivision 3, paragraph (b)(2)**. ~~state and federal law;~~

***[Note: MSBA/MASA Model Policy 601, Section IV.B. and MSBA/MASA Model Policy 616 address this requirement.]***

2. a process to assess and evaluate each student's progress toward meeting state and local academic standards, assess and identify students for participation in gifted and talented programs **and services** and accelerate their instruction, adopt **early-admission** procedures **consistent with Minnesota Statutes, section 120B.15** ~~for early admission to kindergarten or first grade of gifted and talented learners which are sensitive to under-represented groups,~~ and identifying the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students' progress and growth toward career and college readiness and leading to the world's best workforce;

***[Note: MSBA/MASA Model Policy 618 addresses this requirement.]***

3. a system to periodically review and evaluate the effectiveness of all instruction and curriculum, taking into account strategies and best practices, student outcomes, principal evaluations under ~~Minn. Stat. §~~ **Minnesota Statutes 123B.147, Subd. subdivision 3**, students' access to effective teachers who are members of populations under-represented among the licensed teachers in the district or school and who reflect the diversity of enrolled students under ~~Minn. Stat. §~~ **Minnesota Statutes, section 120B.35, Subd. subdivision 3(b)(2)**, and teacher evaluations under **Minnesota Statutes, section** ~~Minn. Stat. §~~ **122A.40, Subd. subdivision 8**, or **122A.41, Subd. subdivision 5**;

***[Note: MSBA/MASA Model Policy 616 addresses this requirement.]***

4. strategies for improving instruction, curriculum, and student achievement, including the English and, where practicable, the native language development and the academic achievement of English learners;

***[Note: MSBA/MASA Model Policy 616 addresses this requirement.]***

5. a process to examine the equitable distribution of teachers and strategies to ensure **children in low-income and minority children families, children in families of People of Color, and children in American Indian families** are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;
6. education effectiveness practices that

- a. integrate high-quality instruction, ~~rigorous curriculum,~~ technology, and curriculum that is rigorous, accurate, antiracist, and culturally sustaining;
  - b. ensure learning and work environments validate, affirm, embrace, and integrate cultural and community strengths for all students, families, and employees;
  - c. ~~provide~~ a collaborative professional culture that ~~develops and supports~~ seeks to retain qualified, racially and ethnically diverse staff effective at working with diverse students while developing and supporting teacher quality, performance, and effectiveness; and
- 7. an annual budget for continuing to implement the school district plan; and
  - 8. identifying a list of suggested and required materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota.
- B. The school district is not required to include information regarding literacy in a plan or report required under this section, except with regard to the academic achievement of English learners.

School district site and school site goals shall include the following:

- 1. ~~All students will be required to demonstrate essential skills to effectively participate in lifelong learning.\* These skills include the following:~~
  - ~~*[\*Note: The criteria for acceptable performance in basic skills areas may need to be modified for students with unique learning needs. These modifications will be reflected in the Individualized Education Program (IEP) or Rehabilitation Act Section 504 Accommodation plan.]*~~
  - a. ~~reading, writing, speaking, listening, and viewing in the English language;~~
  - b. ~~mathematical and scientific concepts;~~
  - c. ~~locating, organizing, communicating, and evaluating information and developing methods of inquiry (i.e., problem solving);~~
  - d. ~~creative and critical thinking, decision making, and study skills;~~
  - e. ~~work readiness skills;~~

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

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

*[Note: School district and site goals example courtesy of the Winona School District.]*

- C. The school district has goals that every child is reading at or above grade level every year, beginning in kindergarten, and multilingual learners and students receiving special education services are receiving support in achieving their individualized reading goals pursuant to Policy 621 (Reading and the Read Act)

~~Every child is reading at or above grade level no later than the end of grade 3, including English learners, and teachers provide comprehensive, scientifically based reading instruction, including a program or collection of instructional practices that is based on valid, replicable evidence showing that, when the programs or practices are used, students can be expected to achieve, at a minimum, satisfactory reading progress. The program or collection of practices must include, at a minimum, effective, balanced instruction in all five areas of reading (phonemic awareness, phonics, fluency, vocabulary development, and reading comprehension), as well as instructional strategies for continuously assessing, evaluating, and communicating the student’s reading progress and needs.~~

- ~~1. — The school district must identify, before the end of kindergarten, grade 1, and grade 2, all students who are not reading at grade level. Students identified as not reading at grade level by the end of kindergarten, grade 1, and grade 2 must be screened for characteristics of dyslexia, unless a different reason for the reading difficulty has been identified.~~
- ~~2. — Students in grade 3 or higher who demonstrate a reading difficulty to a classroom teacher must be screened for characteristics of dyslexia, unless a different reason for the reading difficulty has been identified.~~

*[Note: According to Minnesota statutes, dyslexia screening is to be conducted in a locally determined manner.]*

- ~~3. — Reading assessments in English and in the predominant languages of district students, where practicable, must identify and evaluate students’ areas of academic need related to literacy. The school district also must monitor the progress and provide reading instruction appropriate to the specific needs of English learners. The school district must use locally adopted, developmentally appropriate, and culturally responsive assessment and~~

~~annually report summary assessment results to the Commissioner of Education by July 1.~~

- ~~4. The school district must annually report to the Commissioner of Education by July 1 a summary of the district's efforts to screen and identify students who demonstrate characteristics of dyslexia using screening tools such as those recommended by the Minnesota Department of Education's dyslexia specialist. With respect to students screened or identified under paragraph (1), the report must include:
  - ~~(a) a summary of the district's efforts to screen for dyslexia;~~
  - ~~(b) the number of students screened for that reporting year; and~~
  - ~~(c) the number of students demonstrating characteristics of dyslexia for that year.~~~~
- ~~5. A student identified as having a reading difficulty must be provided with alternate instruction under Minn. Stat. § 125A.56, Subd. 1.~~
- ~~6. At least annually, the school district must give the parent of each student who is not reading at or above grade level timely information about:
  - ~~a. the student's reading proficiency as measured by a locally adopted assessment;~~
  - ~~b. reading-related services currently being provided to the student and the student's progress; and~~
  - ~~c. strategies for parents to use at home in helping their students succeed in becoming grade-level proficient in reading English and their native languages.~~~~

~~This provision may not be used to deny a student's right to a special education evaluation.~~

- ~~7. For each student who is not reading at or above grade level, the school district shall provide reading intervention to accelerate student growth and reach the goal of reading at or above grade level by the end of the current grade and school year. If a student does not read at or above grade level by the end of grade 3, the school district must continue to provide reading intervention until the student reads at grade level. Intervention methods shall encourage family engagement and, where possible, collaboration with appropriate school and community programs. Intervention methods may include, but are not limited to, requiring attendance in summer school, intensified reading instruction that may require that the student be removed~~

from the regular classroom for part of the school day, extended day programs, or programs that strengthen students' cultural connections.

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~~*[Note: School districts are strongly encouraged, but not required, to provide personal learning plans, as provided in Paragraph 8.]*~~

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8. ~~The school district will provide a personal learning plan for a student who is unable to demonstrate grade level proficiency, as measured by the statewide reading assessment in grade 3. The school district will determine the format of the personal learning plan in collaboration with the student's educators and other appropriate professionals. The school district will develop the personal learning plan in consultation with the student's parent or guardian. The personal learning plan will address knowledge gaps and skill deficiencies through strategies such as specific exercises and practices during and outside of the school day, periodic assessments, and reasonable timelines. The personal learning plan may include grade retention if it is in the student's best interest. The student's school will maintain and regularly update and modify the personal learning plan until the student reads at grade level. This paragraph does not apply to a student under an Individualized Education Program.~~

**Legal References:** Minn. Stat. § 120B.018 (Definitions)  
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)  
Minn. Stat. § 120B.11 (School District Process)  
Minn. Stat. § 120B.12 (Reading Proficiently no Later than the End of Grade 3 **Read Act Goal and Interventions**)  
Minn. Stat. § 120B.30, Subd. 1 (Statewide Testing and Reporting System)  
Minn. Stat. § 120B.35, Subd. 3 (Student Academic Achievement and Growth)  
Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)  
Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)  
Minn. Stat. § 123B.147, Subd. 3 (Principals)  
Minn. Stat. § 125A.56, Subd. 1 (Alternate Instruction Required)  
20 U.S.C. § 5801, *et seq.* (National Education Goals 2000)  
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

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

Policy Adopted:  
Revised: May 2012, Jan. 2016, July 2021  
Independent School District No. 110  
Waconia MN

8.A.5. 603 Curriculum Development

**Presenter:** Erika  
Nesvig, Director of  
Educational Services

## 603 CURRICULUM DEVELOPMENT

*[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 618-620 provide procedures to further implement the requirements of Minnesota Statutes section 120B.11.]*

### I. PURPOSE

The purpose of this policy is to provide direction for continuous review and improvement of the school curriculum.

### II. GENERAL STATEMENT OF POLICY

Curriculum development shall be directed toward the fulfillment of the goals and objectives of the education program of the school district.

### III. RESPONSIBILITY

The superintendent shall be responsible for curriculum development and for determining the most effective way of conducting research on the school district's curriculum needs and establishing a long-range curriculum development program. Timelines shall be determined by the superintendent that will provide for periodic reviews of each curriculum area.

### IV. ~~District Advisory Committee~~ DISTRICT ADVISORY COMMITTEE

- A. The school board shall **must** approve the guidelines for member representation of an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards.
- B. The ~~D~~istrict ~~A~~advisory ~~C~~committee, to the extent possible, shall **must** reflect the diversity of the district and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. Whenever possible, parents and other community residents shall **must** comprise at least two-thirds of ~~advisory~~ committee members.
- C. The ~~D~~istrict ~~A~~advisory ~~C~~committee shall **must** pursue community support to accelerate the academic and native literacy and achievement of English learners with varied needs, from young children to adults, consistent with Minnesota Statutes section [124D.59, subdivisions 2](#) and 2a.
- D. The ~~school~~ district may establish site teams as subcommittees of the ~~D~~istrict ~~A~~advisory ~~C~~committee.
- E. The ~~D~~istrict ~~A~~advisory ~~C~~committee shall **must** recommend to the school board
  1. rigorous academic standards, student achievement goals and measures consistent with Minnesota Statutes sections 120B.11, subdivision 1a, section [120B.022](#), subdivisions 1a and 1b, and section [120B.35](#);
  2. district assessments;
  3. means to improve students' equitable access to effective and more diverse teachers; ~~and~~

4. strategies to ensure the curriculum is rigorous, accurate, antiracist, culturally sustaining, and reflects the diversity of the student population;
5. strategies to ensure that curriculum and learning and work environments validate, affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic groups; and
6. program evaluations.

F. School sites may expand upon district evaluations of instruction, curriculum, assessments, or programs.

**V. School Site Team-SCHOOL SITE TEAM**

Each school must establish a site team to develop and implement strategies and education effectiveness practices to improve instruction, curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. The site team must include an equal number of teachers and administrators and at least one parent. The site team advises the Superintendent [or designee] and the advisory committee about developing the annual budget and creates an instruction and curriculum improvement plan to align curriculum, assessment of student progress, and growth in meeting state and district academic standards and instruction.

**VI. Curriculum Development Process-CURRICULLUM DEVELOPMENT PROCESS**

A. ~~Within the ongoing process of curriculum development, the following needs shall be addressed:~~

1. ~~Provide for articulation of courses of study from kindergarten through grade twelve.~~
2. ~~Identify minimum objectives for each course and at each elementary grade level.~~
3. ~~Provide for continuing evaluation of programs for the purpose of attaining school district objectives.~~
4. ~~Provide a program for ongoing monitoring of student progress.~~
5. ~~Provide for specific, particular, and special needs of all members of the student community.~~
6. ~~Develop a local literacy plan to have every child reading at or above grade level no later than the end of grade 3, including English learners, and teachers providing comprehensive, scientifically based reading instruction consistent with law.~~
7. ~~Integrate required and elective course standards in the scope and sequence of the district curriculum.~~
8. ~~Meet all applicable requirements of the Minnesota Department of Education and federal law.~~

B. ~~Students identified as not reading at grade level by the end of kindergarten, grade 1, and grade 2 must be screened for characteristics of dyslexia. Students in grade 3 or higher who demonstrate a reading difficulty to a classroom teacher must be screened for characteristics of dyslexia, unless a different reason for the reading difficulty has been identified. See Minnesota Statutes section 120B.12, Subd. 2.~~

CA. Students who do not meet or exceed Minnesota academic standards, as measured by 603-2

**Commented [1]:** Reach out to Terry to get clarification on this language.

**Commented [2R1]:** this is required to have equal number of admin and teachers as it is statutory requirement

**Commented [KJ3R1]:**

the Minnesota Comprehensive Assessments that are administered during high school, shall be informed that admission to a public school is free and available to any resident under 21 years of age or who meets the requirements of Minnesota Statutes section 120A.20, Subd. **subdivision** 1(c). A student's plan under this section shall continue while the student is enrolled.

- DB.** The superintendent [or designee] shall be responsible for keeping the school board informed of all state-mandated curriculum changes, as well as recommended discretionary changes, and for periodically presenting recommended modifications for school board review and approval.
- EC.** The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to curriculum development.

**Legal References:** **Minn. Stat. § 120A.20 (Admission to Public School)**  
Minn. Stat. § 120B.10 (Findings; Improving Instruction and Curriculum)  
Minn. Stat. § 120B.11 (School District Process **for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce**)  
Minn. Stat. § 120B.12 (Reading Proficiently No Later than the End of Grade 3)  
Minn. Stat. § 120B.125(f) (Planning for Students' Successful Transition to Postsecondary Education and Employment; **Personal Learning Plans**)  
**Minn. Stat. § 124D.59 (Definitions)**  
Minn. Rules Part 3500.0550 (Inclusive Educational Program)  
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 Part 3501.0820 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)  
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
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 604 (Instructional Curriculum)  
MSBA/MASA Model Policy 605 (Alternative Programs)  
MSBA/MASA Model Policy 613 (Graduation Requirements)  
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)  
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)  
MSBA/MASA Model Policy 616 (School District System Accountability)  
MSBA/MASA Model Policy 618 (Assessment of Student Achievement)  
MSBA/MASA Model Policy 619 (Staff Development for Standards)  
MSBA/MASA Model Policy 620 (Credit for Learning)  
MSBA/MASA Model Policy 623 (Mandatory Summer School Instruction)

Policy Adopted: January 2004 / July 2006  
Revised: May 2012/Jan. 2016/Jan. 2023

Independent School District No. 110  
Waconia, MN

8.A.6. 604 Instructional Curriculum

**Presenter:** Erika  
Nesvig, Director of  
Educational Services

## 604 INSTRUCTIONAL CURRICULUM

### I. PURPOSE

The purpose of this policy is to provide for the development of course offerings for students.

### II. GENERAL STATEMENT OF POLICY

A. Instruction must be provided in at least the following subject areas:

1. ~~L~~anguage arts and basic communication skills including reading and writing, literature, and fine arts;
2. ~~M~~athematics and science;
3. ~~S~~ocial studies, including history, geography, economics, government, and citizenship that includes civics (see II.I.);
4. ~~H~~health and physical education;

*[Note: Health curriculum may include child sexual abuse prevention in consultation with other federal, state, or local agencies and community-based organizations to identify research-based tools, curricula, and programs.]*

5. The arts;
6. Career and technical education; and
7. World languages.

*[Note: **the school district must use the current world languages standards developed by the American Council on the Teaching of Foreign Languages. World languages programs should be developed and implemented to acknowledge and reinforce the language proficiency and cultural awareness that non-English language speakers already possess and encourage students' proficiency in multiple world languages. Programs also must encompass indigenous American Indian languages and cultures, among other world languages and cultures. School districts may award Minnesota World Language Proficiency Certificates or Minnesota World Language High Achievement Certificates consistent with Minn. Stat. §Minnesota Statutes section 120B.022, subdivision Subd. 1.**]*

B. The basic instructional program shall include all courses required for each grade level by the Minnesota Department of Education (MDE) and all courses required in all elective subject areas. Instruction shall be provided in a nondiscriminatory manner, which includes a nonsexist and multicultural approach. In the presentation of subject matter (including controversial issues) teachers shall provide access to a variety of viewpoints, theories, ways of knowing, and methods of inquiry. Teachers shall foster sensitive communication by and among all students, and understand the influence of personal bias on student learning.

C. ~~P~~ublic ~~E~~lementary and middle schools shall **must** offer at least three, and require at least

two, of the following four art areas: dance, music, theater, and visual arts. High schools shall offer at least three, and require at least one, of the following five art areas: media arts, dance, music, theater, and visual arts.

- D. The school district must establish and regularly review its own standards for career and technical education (CTE) programs. Standards must align with CTE frameworks developed by the Department of Education, standards developed by national CTE organizations, or recognized industry standards.
- E. The school board, at its discretion, may offer additional courses in the instructional program at any grade level.
- F. Each instructional program shall be planned for optimal benefit taking into consideration the financial condition of the school district and other relevant factors. Each program plan should contain goals and objectives, materials, minimum student competency levels, and methods for student evaluation.
- G. The superintendent [or designee] shall have discretionary authority to develop guidelines and directives to implement school board policy relating to instructional curriculum.
- H. The school district may not discriminate against or discipline a teacher or principal on the basis of incorporating into curriculum contributions of persons in a federally protected class or state-protected class when the included contribution is in alignment with standards and benchmarks adopted under Minnesota Statutes, sections 120B.021 and 120B.023.

### III. REQUIRED ACADEMIC STANDARDS

- A. The following subject areas are required for statewide accountability:
  - 1. language arts;
  - 2. mathematics, encompassing algebra II, integrated mathematics III, or an equivalent in high school, and to be prepared for the three credits of mathematics in grades 9 through 12, the grade 8 standards include the completion of algebra;
  - 3. science, including earth and space science, life science, and the physical sciences, including chemistry and physics;
  - 4. social studies, including history, geography, economics, and government and citizenship that includes civics;
  - 5. physical education;
  - 6. health, for which locally developed academic standards apply; and
  - 7. the arts.
- B. Elementary and middle schools must offer at least three and require at least two of the following five arts areas: dance, media arts, music, theater, and visual arts. High schools must offer at least three and require at least one of the following five arts areas: media arts, dance, music, theater, and visual arts.

## **PARENTAL CURRICULUM REVIEW**

The school district shall have a procedure for a parent, guardian, or an adult student, 18 years of age or older, to review the content of the instructional materials to be provided to a minor child or to an adult student and, if the parent, guardian, or adult student objects to the content, to make reasonable arrangements with school personnel for alternative instruction. Alternative instruction may be provided by the parent, guardian, or adult student if the alternative instruction, if any, offered by the school board does not meet the concerns of the parent, guardian, or adult student. The school board is not required to pay for the costs of alternative instruction provided by a parent, guardian, or adult student. School personnel may not impose an academic or other penalty upon a student merely for arranging alternative instruction under this section. School personnel may evaluate and assess the quality of the student's work.

### **IV. CPR AND AED INSTRUCTION**

The school district will provide one-time cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) instruction as part of its grade 7 to 12 curriculum.

- A. In the school district's discretion, training and instruction may result in CPR certification.
- B. CPR and AED instruction must include CPR and AED training that have been developed:
  - 1. by the American Heart Association or the American Red Cross and incorporate psychomotor skills to support the instruction; or
  - 2. using nationally recognized, evidence-based guidelines for CPR and incorporate psychomotor skills to support the instruction. "Psychomotor skills" means hands-on practice to support cognitive learning; it does not mean cognitive-only instruction and training.
- C. The school district may use community members such as emergency medical technicians, paramedics, police officers, firefighters, and representatives of the Minnesota Resuscitation Consortium, the American Heart Association, or the American Red Cross, among others, to provide instruction and training.
- D. A school administrator may waive this curriculum requirement for a high school transfer student regardless of whether or not the student previously received instruction under this section, an enrolled student absent on the day the instruction occurred under this section, or an eligible student who has a disability.

***[Note: If a school district requests resources, the Minnesota Resuscitation Consortium must provide them to the school district for instruction and training provided to students under this section.]***

### **V. COLLEGE AND CAREER PLANNING**

- A. The school district shall assist all students by no later than grade 9 to explore their

educational college and career interests, aptitudes, and aspirations and develop a plan for a smooth and successful transition to postsecondary education or employment. All students' plans must:

1. provide a comprehensive plan to prepare for and complete career and college-ready curriculum by meeting state and local academic standards and developing career and employment-related skills such as teamwork, collaboration, creativity, communication, critical thinking, and good work habits;
  2. emphasize academic rigor and high expectations and inform the student, and the student's parent or guardian, if the student is a minor, of the student's achievement level score on the Minnesota Comprehensive Assessments that are administered during high school;
  3. help students identify interests, aptitudes, aspirations, and personal learning styles that may affect their career and college-ready goals and postsecondary education and employment choices;
  4. set appropriate career and college-ready goals with timelines that identify effective means for achieving those goals;
  5. help students access education and career options;
  6. integrate strong academic content into career-focused courses and applied and experiential learning opportunities and integrate relevant career-focused courses and applied and experiential learning opportunities into strong academic content;
  7. help identify and access appropriate counseling and other supports and assistance that enable students to complete required coursework, prepare for postsecondary education and careers, and obtain information about postsecondary education costs and eligibility for financial aid and scholarship;
  8. help identify collaborative partnerships among pre-kindergarten through grade 12 schools, postsecondary institutions, economic development agencies, and local and regional employers that support students' transitions to postsecondary education and employment and provide students with applied and experiential learning opportunities; and
  9. be reviewed and revised at least annually by the student, the student's parent or guardian, and the school district to ensure that the student's course-taking schedule keeps the student making adequate progress to meet state and local academic standards and high school graduation requirements and with a reasonable chance to succeed with employment or postsecondary education without the need to first complete remedial course work.
- B. The school district may develop grade-level curricula or provide instruction that introduces students to various careers, but must not require any curriculum, instruction, or employment-related activity that obligates an elementary or secondary student to involuntarily select or pursue a career, career interest, employment goals, or related job training.
- C. Educators must possess the knowledge and skills to effectively teach all English learners

in their classrooms. School districts must provide appropriate curriculum, targeted materials, professional development opportunities for educators, and sufficient resources to enable English learners to become career and college-ready.

- D. When assisting students in developing a plan for a smooth and successful transition to postsecondary education and employment, school districts must recognize the unique possibilities of each student and ensure that the contents of each student's plan reflect the student's unique talents, skills, and abilities as the student grows, develops, and learns.
- E. If a student with a disability has an Individualized Education Program (IEP) or standardized written plan that meets the plan components herein, the IEP satisfies the requirement, and no additional transition plan is needed.
- F. Students who do not meet or exceed the Minnesota Academic Standards, as measured by the Minnesota Comprehensive Assessments that are administered during high school, shall be informed that admission to a public school is free and available to any resident under 21 years of age or who meets the requirements of the compulsory attendance law. A student's plan under this provision shall continue while a student is enrolled.

## **VI. CIVICS TEST**

- A. A student enrolled in a public school must correctly answer at least 30 of 50 civics test questions. A school or district may record on a student's transcript that the student answered at least 30 of 50 civics test questions correctly.
- B. "Civics test questions" means 50 of the 100 questions that, as of January 1, 2015, United States Citizenship and Immigration Services officers use to select the questions they pose to applicants for naturalization so the applicants can demonstrate their knowledge and understanding of the fundamentals of United States history and government, as required by federal law. The Learning Law and Democracy Foundation, in consultation with Minnesota civics teachers, must select by July 1 each year 50 of the 100 questions under this paragraph to serve as the state's civics test questions for the proximate school year and immediately transmit the 50 selected civics test questions to MDE and to the Legislative Coordinating Commission, which must post the 50 questions it receives on the Minnesota's Legacy website by August 1 of that year.
- C. The school district may exempt a student with disabilities from this requirement if the student's IEP team determines the requirement is inappropriate and establishes an alternative requirement.
- D. The school district may administer the civics test questions in a language other than English to students who qualify for English learner services.
- E. The school districts may administer civics test questions as part of the social studies curriculum.
- F. The school district must not prevent a student from graduating or deny a student a high school diploma for failing to correctly answer at least 30 of 50 civics test questions.
- G. The school district cannot charge a fee related to this requirement.

*[Note: This requirement is effective for students enrolling in grade 9 in the 2017-2018 school year and later.]*

**Legal References:** Minn. Stat. § 120A.20 (Parental Curriculum Review)  
**Minn. Stat. § 120B.101 (Curriculum)**  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 120B.021 (Required Academic Standards)  
Minn. Stat. § 120B.022 (Elective Standards)  
**Minn. Stat. § 120B.023 (Benchmarks Implement, Supplement Statewide Academic Standards)**  
Minn. Stat. § 120B.125 (Planning for Students’ Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)  
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)  
Minn. Stat. § 120B.236 (Cardiopulmonary Resuscitation and Automatic External Defibrillator Instruction)

**Cross References:** MSBA/MASA Model Policy 603 (Curriculum Development)  
MSBA/MASA Model Policy 605 (Alternative Programs)

Policy Adopted: January 2004  
revised July 2006, Jan. 2016, reviewed July 2020, revised Dec 2020, revised Dec 2022  
Independent School District No. 110 Waconia, MN

8.A.7. 620 Credit for Learning

**Presenter:** Erika  
Nesvig, Director of  
Educational Services

## 620 CREDIT FOR LEARNING

### I. PURPOSE

~~The purpose of this policy is to~~ This policy recognizes student achievement ~~which that~~ occurs in ~~Post-Secondary Enrollment Options~~ **postsecondary enrollment option** and other advanced enrichment programs. ~~The purpose of t~~This policy also ~~is to~~ recognizes student achievement ~~which that~~ occurs in other schools, in alternative learning sites, and in out-of-school experiences such as community organizations, work-based learning, and other educational activities and opportunities. ~~The purpose of t~~This policy also ~~is to~~ addresses ~~the transfer of student credit from out-of-state, private, or home schools and online learning programs and to address how the school district will recognize student achievement obtained outside of the school district.~~

### II. GENERAL STATEMENT OF POLICY

The policy of the school district is to provide a process for awarding students credit toward graduation requirements for credits and grades students complete in other schools, ~~post-secondary~~ **postsecondary** or higher education institutions, other learning environments, and online courses and programs.

### III. DEFINITIONS

A. “Accredited school” means a school that is accredited by an accrediting agency, recognized according to Minnesota Sections statute 123B.445 or recognized by the Commissioner of the Minnesota Department of Education (Commissioner).

B. **“Concurrent enrollment” means nonsectarian courses in which an eligible pupil under subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by a secondary teacher or a postsecondary faculty member, and are offered at a high school for which the district is eligible to receive concurrent enrollment program aid under Minnesota Statutes, section 124D.091.**

~~“Blended learning” is a form of digital learning that occurs when a student learns part time in a supervised physical setting and part time through digital delivery of instruction, or a student learns in a supervised physical setting where technology is used as a primary method to deliver instruction.~~

C. **“Course” means a course or program.**

~~“Commissioner” means the Commissioner of MDE.~~

~~D. “Digital learning” is learning facilitated by technology that offers students an element of control over the time, place, path, or pace of their learning and includes blended and online learning.~~

~~D~~E. **“Eligible institution” means a Minnesota public ~~post-secondary~~ **postsecondary****

institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.

EF. “Nonpublic school” is a private school or home school in which a child is provided instruction in compliance with the Minnesota compulsory attendance laws.

~~G. “Online learning” is a form of digital learning delivered by an approved online learning provider.~~

~~H. “Online learning provider” is a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that provides online learning to students and is approved by MDE to provide online learning courses.~~

FI. “Weighted grade” is a letter or numerical grade that is assigned a numerical advantage when calculating the grade point average.

#### IV. TRANSFER OF CREDIT FROM OTHER SCHOOLS

##### A. Transfer of Academic Requirements from Other Minnesota Public Secondary Schools

1. The school district will accept and transfer secondary credits and grades awarded to a student from another Minnesota public secondary school upon presentation of a certified transcript from the transferring public secondary school evidencing the course taken and the grade and credit awarded.
2. Commensurate credits and grades awarded from another Minnesota public secondary school may be used to compute honor roll and/or class rank.

##### B. Transfer of Academic Requirements from Other Schools

1. The school district will accept secondary credits and grades awarded to a student for courses successfully completed at a public school outside of Minnesota or an accredited nonpublic school upon presentation of a certified transcript from the transferring public school in another state or nonpublic school evidencing the course taken and the grade and credit awarded.
  - a. When a determination is made that the content of the course aligns directly with school district graduation requirements, the student will be awarded commensurate credits and grades.
  - b. Commensurate credits and grades awarded from an accredited

nonpublic school or public school in another state may be used to compute honor roll and/or class rank.

- c. In the event the content of a course taken at an accredited nonpublic school or public school in another state does not fully align with the content of the school district's high school graduation requirements but is comparable to elective credits offered by the school district for graduation, the student may be provided elective credit applied toward graduation requirements. Credit that does not fully align with the school district's high school graduation requirements will not be used to compute honor roll and/or class rank.
  - d. If no comparable course is offered by the school district for which high school graduation credit would be provided, no credit will be provided to the student.
2. Students transferring from a non-accredited, nonpublic school shall receive credit from the school district upon presentation of a transcript or other documentation evidencing the course taken and grade and credit awarded.
- a. Students will be required to provide copies of course descriptions, syllabi, or work samples for determination of appropriate credit. In addition, students also may be asked to provide interviews/conferences with the student and/or student's parent and/or former administrator or teacher; review of a record of the student's entire curriculum at the nonpublic school; and review of the student's complete record of academic achievement.
  - b. Where the school district determines that a course completed by a student at a non-accredited, nonpublic school is commensurate with school district graduation requirements, credit shall be awarded, but the grade shall be "P" (pass).
  - c. In the event the content of a course taken at a non-accredited, nonpublic school does not fully align with the content of the school district's high school graduation requirements but is comparable to elective credits offered by the school district for graduation, the student may be provided elective credit applied toward graduation requirements.
  - d. If no comparable course is offered by the school district for which local high school graduation credit would be provided, no credit will be provided to the student.
  - e. Credit and grades earned from a non-accredited nonpublic school shall not be used to compute honor roll and/or class rank.

- C. A student must provide the school with a copy of the student's grades in each course taken for secondary credit under this policy, including interim or nonfinal grades earned during the academic term.

V. ~~POST-SECONDARY~~ **POSTSECONDARY** ENROLLMENT CREDIT

- A. A student who satisfactorily completes a ~~post-secondary~~ **postsecondary** enrollment options course or program under Minnesota Sections statute 124D.09 that has been approved as meeting the necessary requirements is not required to complete other requirements of the ~~Minnesota Academic Standards content standards~~ **academic standards** corresponding to that specific rigorous course of study.
- B. Secondary credits granted to a student through a ~~post-secondary~~ **postsecondary** enrollment options course or program ~~that meets or exceeds a graduation standard or requirement shall~~ **must** be counted toward the graduation and credit requirements of a student completing the Minnesota Academic Standards, **and subject area requirements of the district.**
  - 1. Course credit will be considered by the school district only upon presentation of a certified transcript from an eligible institution evidencing the course taken and the grade and credit awarded.
  - 2. Seven quarter or four semester ~~post-secondary~~ **postsecondary** credits shall equal at least one full year of high school credit. Fewer ~~post-secondary~~ **postsecondary** credits may be prorated.
  - 3. When a determination is made that the content of the ~~post-secondary~~ **postsecondary** course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
  - 4. In the event the content of the post-secondary course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the school district for graduation, the school district may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
  - 5. If no comparable course is offered by the school district for which high school graduation credit would be provided, the school district will notify the Commissioner, who shall determine the number of credits that shall be granted to a student.
  - 6. When secondary credit is granted for ~~post-secondary~~ **postsecondary** credits taken by a student, the school district will record those credits on the student's transcript as credits earned at a ~~post-secondary~~ **postsecondary**

institution.

- C. A list of the courses or programs meeting the necessary requirements may be obtained from the school district.
- D. By the earlier of (1) three weeks prior to the date by which a student must register for district courses for the following school year, or (2) March 1 of each year, the school district must provide up-to-date information on the district's website and the materials that are distributed to parents and students about the program, including information about enrollment requirements and the ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11.

## ~~VI. CREDIT FROM ONLINE LEARNING COURSES~~

- ~~A. Secondary credits granted to a student through an online learning course or program that meets or exceeds a graduation standard or requirement shall be counted toward the graduation and credit requirements of a student completing the Minnesota Academic Standards.~~
- ~~B. Course credit will be considered only upon official documentation from the online learning provider evidencing the course taken and the grade and credit awarded to the student.~~
- ~~C. When a student provides documentation from an online learning provider, the course credit and course grade shall be recorded and counted toward graduation credit requirements for all courses or programs that meet or exceed the school district's graduation requirements in the same manner as credits are awarded for students transferring from another Minnesota public school as set forth in Section IV.A. above.~~

## **VI. CREDIT FOR EMPLOYMENT WITH HEALTH CARE PROVIDERS**

Consistent with the career and technical pathways program, a student in grade 11 or 12 who is employed by an institutional long-term care or licensed assisted living facility, a home and community-based services and supports provider, a hospital or health system clinic, or a child care center may earn up to two elective credits each year toward graduation under Minnesota Statutes, section 120B.024, subdivision 1, paragraph (a), clause (7), at the discretion of the enrolling district. A student may earn one elective credit for every 350 hours worked, including hours worked during the summer. A student who is employed by an eligible employer must submit an application, in the form or manner required by the school district, for elective credit to the school district in order to receive elective credit. The school district must verify the hours worked with the employer before awarding elective credit.

## **VII. ADVANCED ACADEMIC CREDIT**

- A. The school district will grant academic credit to a student attending an accelerated

or advanced academic course offered by a higher education institution or a nonprofit public agency, other than the school district.

- B. Course credit will be considered only upon official documentation from the higher education institution or nonprofit public agency that the student successfully completed the course attended and passed an examination approved by the school district.
- C. When a determination is made that the content of the advanced academic course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
- D. In the event the content of the advanced academic course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the school district for graduation, the school district may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
- E. If no comparable course is offered by the school district for which high school graduation credit would be provided, the school district will notify the Commissioner and request a determination of the number of credits that shall be granted to a student.

### VIII. WEIGHTED GRADES

- A. The school district offers weighted grades for courses that are identified as more rigorous or academically challenging as follows:

Advanced Placement (AP) and concurrent enrollment courses, as courses offered at Waconia High School that have the opportunity to be awarded college credit, have a high level of rigor and will be weighed at a value of 1.2 multiplier. Grades below a C are not weighted.

Types of weighted courses include:

1. Advanced Placement (AP) courses.
2. Concurrent enrollment courses (earn college credit while taking them in the high school environment), including CIS (University of MN), College Now (Southwest State University) along with other college courses offered on campus.

Grade	Non-Weighted Grade Value	*Weighted Grade Value
A	4.0	4.8
A-	3.67	4.40

B+	3.33	3.97
B	3.0	3.6
B-	2.67	3.20
C+	2.33	2.80
C	2.0	2.4
C-	1.67	1.67
D+	1.33	1.33
D	1.0	1.0
D-	.67	.67

\*Grade weights will be applied to applicable courses starting in the 2024-25 school year and forward. Courses taken prior to fall of 2024 are not eligible for weighted grades.

- B. The school district will update its registration guide prior to registration each school year with a listing of the courses for which a student may earn a weighted grade.

## IX. PROCESS FOR AWARDING CREDIT

- A. The building principal will be responsible for carrying out the process to award credits and grades pursuant to this policy. The building principal will notify students in writing of the decision as to how credits and grades will be awarded.
- B. A student or the student’s parent or guardian may seek reconsideration of the decision by the building principal as to credits and/or grades awarded upon request of a student or the student’s parent or guardian if the request is made in writing to the superintendent within five school days of the date of the building principal’s decision. The request should set forth the credit and/or grade requested and the reason(s) why credit(s)/grade(s) should be provided as requested. Any pertinent documentation in support of the request should be submitted.
- C. The decision of the superintendent as to the award of credits or grades shall be a final decision by the school district and shall not be appealable by the student or student’s parent or guardian except as set forth in Section IX.D. below.
- D. If a student disputes the number of credits granted by the school district for a particular ~~post-secondary~~ **postsecondary** enrollment course, ~~online learning course~~, or advanced academic credit course, the student may appeal the school district’s decision to the Commissioner. The decision of the Commissioner shall be final.
- E. At any time during the process, the building principal or superintendent may ask for course descriptions, syllabi, or work samples from a course where content of the course is in question for purposes of determining alignment with graduation requirements or the number of credits to be granted. Students will not be provided credit until requested documentation is available for review, if requested.

**Legal References:** Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota’s Students)

Minn. Stat. § 120B.021 (Required Academic Standards)  
 Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World’s Best Workforce)  
 Minn. Stat. § 120B.14 (Advanced Academic Credit)  
 Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
 Minn. Stat. § 123B.445 (Nonpublic Education Council)  
 Minn. Stat. § 124D.03, Subd. 9 (Enrollment Options Program)  
 Minn. Stat. § 124D.09 (Post-Secondary Enrollment Options Act)  
 Minn. Stat. § 124D.094 (Online Instruction)  
~~Minn. Stat. § 124D.095 (Online Learning Option)~~  
 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 3501.0900-3501.0960 (Academic Standards in Science)  
 Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)  
 Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
 Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)

***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 616 (School District System Accountability)  
 MSBA/MASA Model Policy 618 (Assessment of Student Achievement)  
 MSBA/MASA Model Policy 624 (Online **Instruction** Learning Options)

Policy adopted: Dec 2020, revised July 2023  
 Independent School District No. 110  
 Waconia, MN

8.A.8. 621 Literacy and the READ Act (New)

**Presenter:** Erika  
Nesvig, Director of  
Educational Services

## **621 LITERACY AND THE READ ACT**

**[Note: By the 2026-2027 school year, the school district must provide evidence-based reading instruction through a focus on student mastery of the foundational reading skills of phonemic awareness, phonics, and fluency, as well as the development of oral language, vocabulary, and reading comprehension skills. Students must receive evidence-based instruction that is proven to effectively teach children to read, consistent with Minnesota Statutes, sections 120B.1117 to 120B.124.]**

### **I. PURPOSE**

This policy aligns with Minnesota law established in the Read Act and on other topics related to reading.

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

The school district recognizes the centrality of reading in a student's educational experience.

### **III. DEFINITIONS**

- A. "Evidence-based" means the instruction or item described is based on reliable, trustworthy, and valid evidence and has demonstrated a record of success in increasing students' reading competency in the areas of phonological and phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension. Evidence-based literacy instruction is explicit, systematic, and includes phonological and phonemic awareness, phonics and decoding, spelling, fluency, vocabulary, oral language, and comprehension that can be differentiated to meet the needs of individual students. Evidence-based instruction does not include the three-cueing system, as defined in subdivision 16.
- B. "Fluency" means the ability of students to read text accurately, automatically, and with proper expression.
- C. "Foundational reading skills" includes phonological and phonemic awareness, phonics and decoding, and fluency. Foundational reading skills appropriate to each grade level must be mastered in kindergarten, grade 1, grade 2, and grade 3. Struggling readers in grades 4 and above who do not demonstrate mastery of grade-level foundational reading skills must continue to receive explicit, systematic instruction to reach mastery.
- D. "Literacy specialist" means a person licensed by the Professional Educator Licensing and Standards Board as a teacher of reading, a special education teacher, or a kindergarten through grade 6 teacher, who has completed professional development approved by the Minnesota Department of Education (MDE) in structured literacy. A literacy specialist employed by the department under Minnesota Statutes, section 120B.123, subdivision 7, or by a district as a literacy lead, is not required to complete the approved training before August 30, 2025.
- E. "Literacy lead" means a literacy specialist with expertise in working with educators as

adult learners. A district literacy lead must support the district's implementation of the Read Act; provide support to school-based coaches; support the implementation of structured literacy, interventions, curriculum delivery, and teacher training; assist with the development of personal learning plans; and train paraprofessionals and other support staff to support classroom literacy instruction. A literacy lead may be employed by one district, jointly by two or more districts, or may provide services to districts through a partnership with the regional service cooperatives or another district.

- F. "Multitiered system of support" or "MTSS" means a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. The MTSS framework provides access to layered tiers of culturally and linguistically responsive, evidence-based practices and relies on the understanding and belief that every student can learn and thrive. Through a MTSS at the core (Tier 1), supplemental (Tier 2), and intensive (Tier 3) levels, educators provide high quality, evidence-based instruction and intervention that is matched to a student's needs; progress is monitored to inform instruction and set goals and data is used for educational decision making.
- G. "Oral language," also called "spoken language," includes speaking and listening, and consists of five components: phonology, morphology, syntax, semantics, and pragmatics.
- H. "Phonemic awareness" means the ability to notice, think about, and manipulate individual sounds in spoken syllables and words.
- I. "Phonics instruction" means the explicit, systematic, and direct instruction of the relationships between letters and the sounds they represent and the application of this knowledge in reading and spelling.
- J. "Progress monitoring" means using data collected to inform whether interventions are working. Progress monitoring involves ongoing monitoring of progress that quantifies rates of improvement and informs instructional practice and the development of individualized programs using state-approved screening that is reliable and valid for the intended purpose.
- K. "Reading comprehension" means a function of word recognition skills and language comprehension skills. It is an active process that requires intentional thinking during which meaning is constructed through interactions between the text and reader. Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and implementing specific cognitive strategies to help beginning readers derive meaning through intentional, problem-solving thinking processes.
- L. "Structured literacy" means an approach to reading instruction in which teachers carefully structure important literacy skills, concepts, and the sequence of instruction to facilitate children's literacy learning and progress. Structured literacy is characterized by the provision of systematic, explicit, sequential, and diagnostic instruction in phonemic awareness, phonics, fluency, vocabulary and oral language development, and reading comprehension.
- M. "Three-cueing system," also known as "meaning structure visual (MSV)," means a method that teaches students to use meaning, structure and syntax, and visual cues when attempting to read an unknown word.
- N. "Vocabulary development" means the process of acquiring new words. A robust

vocabulary improves all areas of communication, including listening, speaking, reading, and writing. Vocabulary growth is directly related to school achievement and is a strong predictor for reading success.

#### **IV. READING SCREENER; PARENT NOTIFICATION AND INVOLVEMENT**

- A. The school district must administer an approved evidence-based reading screener to students in kindergarten through grade 3 within the first six weeks of the school year, and again within the last six weeks of the school year. The screener must be one of the screening tools approved by the Minnesota Department of Education (MDE).
- B. The school district must identify any screener it uses in the district's annual literacy plan, and submit screening data with the annual literacy plan by June 15.
- C. Schools, at least biannually after administering each screener, must give the parent of each student who is not reading at or above grade level timely information about:
  - 1. the student's reading proficiency as measured by a screener approved by MDE;
  - 2. reading-related services currently being provided to the student and the student's progress; and
  - 3. strategies for parents to use at home in helping their student succeed in becoming grade-level proficient in reading in English and in their native language.
- D. The school district may not use this section to deny a student's right to a special education evaluation.

#### **V. IDENTIFICATION AND REPORT**

- A. Students enrolled in kindergarten, grade 1, grade 2, and grade 3, including multilingual learners and students receiving special education services, must be universally screened for mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, oral language, and for characteristics of dyslexia as measured by a screening tool approved by MDE. The screening for characteristics of dyslexia may be integrated with universal screening for mastery of foundational skills and oral language.
- B. The school district must submit data on student performance in kindergarten, grade 1, grade 2, and grade 3 on foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language to MDE in the annual local literacy plan submission due on June 15.
- C. Students in grades 4 and above, including multilingual learners and students receiving special education services, who do not demonstrate mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language, must be screened using a screening tool approved by MDE for characteristics of dyslexia and must continue to receive evidence-based instruction, interventions, and progress monitoring until the students achieve grade-level proficiency. A parent, in consultation with a teacher, may opt a student out of the literacy screener if the parent and teacher decide that continuing to screen would not be beneficial to the student. In such limited cases, the student must continue to receive progress monitoring and literacy interventions.

- D. Reading screeners in English, and in the predominant languages of school district students where practicable, must identify and evaluate students' areas of academic need related to literacy. The school district also must monitor the progress and provide reading instruction appropriate to the specific needs of multilingual learners. The school district must use an approved, developmentally appropriate, and culturally responsive screener and annually report summary screener results to the MDE Commissioner by June 15 in the form and manner determined by the MDE Commissioner.
- E. The school district must include in its literacy plan a summary of the district's efforts to screen, identify, and provide interventions to students who demonstrate characteristics of dyslexia as measured by a screening tool approved by MDE. With respect to students screened or identified under paragraph (a), the report must include:
  - 1. a summary of the school district's efforts to screen for dyslexia;
  - 2. the number of students universally screened for that reporting year;
  - 3. the number of students demonstrating characteristics of dyslexia for that year; and
  - 4. an explanation of how students identified under this subdivision are provided with alternate instruction and interventions under Minnesota Statutes, section 125A.56, subdivision 1.

## **VI. INTERVENTION**

- A. For each student identified under the screening identification process, the school district shall provide reading intervention to accelerate student growth and reach the goal of reading at or above grade level by the end of the current grade and school year.
- B. The school district must implement progress monitoring, as defined in Minnesota Statutes, section 120B.1118, for a student not reading at grade level.
- C. The school district must use evidence-based curriculum and intervention materials at each grade level that are designed to ensure student mastery of phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension. Starting July 1, 2023, if the school district purchases new literacy curriculum, or literacy intervention or supplementary materials, the curriculum or materials must be evidence-based as defined in Minnesota Statutes, section 120B.1118.
- D. If a student does not read at or above grade level by the end of the current school year, the school district must continue to provide reading intervention until the student reads at grade level. School district intervention methods shall encourage family engagement and, where possible, collaboration with appropriate school and community programs that specialize in evidence-based instructional practices and measure mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language.
- E. By the 2025-2026 school year, intervention programs must be taught by an intervention teacher or special education teacher who has successfully completed training in evidence-based reading instruction approved by MDE. Intervention may include but is not limited to requiring student attendance in summer school, intensified

reading instruction that may require that the student be removed from the regular classroom for part of the school day, extended-day programs, or programs that strengthen students' cultural connections.

- F. The school district must determine the format of the personal learning plan in collaboration with the student's educators and other appropriate professionals. The school must develop the learning plan in consultation with the student's parent or guardian. The personal learning plan must include targeted instruction that is evidence-based and ongoing progress monitoring, and address knowledge gaps and skill deficiencies through strategies such as specific exercises and practices during and outside of the regular school day, group interventions, periodic assessments or screeners, and reasonable timelines. The personal learning plan may include grade retention, if it is in the student's best interest; a student may not be retained solely due to delays in literacy or not demonstrating grade-level proficiency. A school must maintain and regularly update and modify the personal learning plan until the student reads at grade level. This paragraph does not apply to a student under an individualized education program.

## **VII. LOCAL LITERACY PLAN**

- A. The school district must adopt a local literacy plan to have every child reading at or above grade level every year beginning in kindergarten and to support multilingual learners and students receiving special education services in achieving their individualized reading goals. The school district must update and submit the plan to the Commissioner of MDE by June 15 each year. The plan must be consistent with the Read Act, and include the following:
  - 1. a process to assess students' foundational reading skills, oral language, and level of reading proficiency and the screeners used, by school site and grade level, under Minnesota Statutes, section 120B.123;
  - 2. a process to notify and involve parents;
  - 3. a description of how schools in the school district will determine the targeted reading instruction that is evidence-based and includes an intervention strategy for a student and the process for intensifying or modifying the reading strategy in order to obtain measurable reading progress;
  - 4. evidence-based intervention methods for students who are not reading at or above grade level and progress monitoring to provide information on the effectiveness of the intervention;
  - 5. identification of staff development needs, including a plan to meet those needs;
  - 6. the curricula used by school site and grade level;
  - 7. a statement of whether the school district has adopted a MTSS framework;
  - 8. student data using the measures of foundational literacy skills and mastery identified by MDE for the following students:
    - a. students in kindergarten through grade 3;

- b. students who demonstrate characteristics of dyslexia; and
    - c. students in grades 4 to 12 who are identified as not reading at grade level; and
  - 9. the number of teachers and other staff that have completed training approved by the department.
- B. The school district must post its literacy plan on the official school district website and submit it to the Commissioner of MDE using the template developed by the Commissioner beginning June 15, 2024.

**VIII. STAFF TRAINING**

- A. Beginning July 1, 2024, a school district must provide access to the training required under Minnesota Statutes, section 120B.123, subdivision 5, to:
  - 1. intervention teachers working with students in kindergarten through grade 12;
  - 2. all classroom teachers of students in kindergarten through grade 3 and children in prekindergarten programs;
  - 3. special education teachers;
  - 4. curriculum directors;
  - 5. instructional support staff who provide reading instruction; and
  - 6. employees who select literacy instructional materials for a district.
- B. The school district must provide training from a menu of approved evidence-based training programs to all reading intervention teachers, literacy specialists, and other teachers and staff identified in Minnesota Statutes, section 120B.12, subdivision 1, paragraph (b), by July 1, 2025; and by July 1, 2027, to other teachers in the school district, prioritizing teachers who work with students with disabilities, English learners, and students who qualify for the graduation incentives program under Minnesota Statutes, section 124D.68. The Commissioner of MDE may grant a school district an extension to these deadlines.
- C. By August 30, 2025, the school district must employ or contract with a literacy lead, or be actively supporting a designated literacy specialist through the process of becoming a literacy lead. The school board may satisfy the requirements of this subdivision by contracting with another school board or cooperative unit under Minnesota Statutes, section 123A.24 for the services of a literacy lead by August 30, 2025. The school district literacy lead must collaborate with school district administrators and staff to support the school district's implementation of requirements under the Read Act.

**IX. STAFF DEVELOPMENT**

- A. The school district must provide training programs on evidence-based reading instruction to teachers and instructional staff in accordance with subdivision 1, paragraph (b). The training must include teaching in the areas of phonemic awareness,

phonics, vocabulary development, reading fluency, reading comprehension, and culturally and linguistically responsive pedagogy.

- B. The school district shall use the data under Article V. above to identify the staff development needs so that:
1. elementary teachers are able to implement explicit, systematic, evidence-based instruction in the five reading areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension with emphasis on mastery of foundational reading skills as defined in Minnesota Statutes, section 120B.1118 and other literacy-related areas including writing until the student achieves grade-level reading and writing proficiency;
  2. elementary teachers have sufficient training to provide students with evidence-based reading and oral language instruction that meets students' developmental, linguistic, and literacy needs using the intervention methods or programs selected by the school district for the identified students;
  3. licensed teachers employed by the school district have regular opportunities to improve reading and writing instruction;
  4. licensed teachers recognize students' diverse needs in cross-cultural settings and are able to serve the oral language and linguistic needs of students who are multilingual learners by maximizing strengths in their native languages in order to cultivate students' English language development, including oral academic language development, and build academic literacy; and
  5. licensed teachers are well trained in culturally responsive pedagogy that enables students to master content, develop skills to access content, and build relationships.
- C. The school district must provide staff in early childhood programs sufficient training to provide children in early childhood programs with explicit, systematic instruction in phonological and phonemic awareness; oral language, including listening comprehension; vocabulary; and letter-sound correspondence.

**X. LITERACY INCENTIVE AID USES**

The school district must use its literacy incentive aid to support implementation of evidence-based reading instruction. The following are eligible uses of literacy incentive aid:

1. training for kindergarten through grade 3 teachers, early childhood educators, special education teachers, reading intervention teachers working with students in kindergarten through grade 12, curriculum directors, and instructional support staff that provide reading instruction, on using evidence-based screening and progress monitoring tools;
2. evidence-based training using a training program approved by MDE;
3. employing or contracting with a literacy lead, as defined in Minnesota Statutes, section 120B.1118;
4. materials, training, and ongoing coaching to ensure reading interventions under Minnesota Statutes, section 125A.56, subdivision 1, are evidence-based; and

costs of substitute teachers to allow teachers to complete required training during the teachers' contract day.

**Legal References:** Minn. Stat. § 120B.1118 (Read Act Definitions)  
Minn. Stat. § 120B.12 (Read Act Goal and Interventions)  
Minn. Stat. § 120B.123 (Read Act Implementation)  
Minn. Stat. § 123A.24 (Withdrawing from a Cooperative Unit; Appealing Denial of Membership)  
Minn. Stat. §124D.68 (Graduation Incentives Program)  
Minn. Stat. § 124D.98 (Literacy Incentive Aid)  
Minn. Stat. § 125A.56 (Alternate Instruction Required before Assessment Referral)

**Cross References:** None

8.A.9. 624 Online Instruction (New)

**Presenter:** Erika  
Nesvig, Director of  
Educational Services

*New Policy June 2023 (completely replaces our current 624 Online Learning Options)*

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

MSBA/MASA Model Policy 624

Orig. 2023

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

## **624 ONLINE INSTRUCTION**

***[Note: In 2023, the Minnesota Legislature repealed the Online Learning Option Act (Minnesota Statutes, section 124D.095) and replaced it with the Online Instruction Act (Minnesota Statutes, section 124D.094). This policy fully replaces the old Model Policy 624].***

### **I. PURPOSE**

The purpose of this policy is to recognize and govern online instruction options of students enrolled in the school district for purposes of compulsory attendance and address enrollment of students with an online instruction site for supplemental or full-time online learning.

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

- A. The school district shall not prohibit an enrolled student from applying to enroll in online instruction.
- B. The school district shall grant academic credit for completing the requirements of an online instruction course or program.

### **III. DEFINITIONS**

- A. "Blended instruction" means a form of digital instruction that occurs when a student learns part-time in a supervised physical setting and part-time through online instruction under paragraph (E).
- B. "Digital instruction" means instruction facilitated by technology that offers students an element of control over the time, place, path, or pace of learning and includes blended and online instruction.
- C. "Enrolling district" means the school district in which a student is enrolled under Minnesota Statutes, section 120A.22, subdivision 4.
- D. "Online course syllabus" means a written document that identifies the state academic standards taught and assessed in a supplemental online course under paragraph (I); course content outline; required course assessments; instructional methods; communication procedures with students, guardians, and the enrolling district under paragraph (C); and supports available to the student.
- E. "Online instruction" means a form of digital instruction that occurs when a student learns primarily through digital technology away from a supervised physical setting.
- F. "Online instructional site" means a site that offers courses using online instruction under paragraph (E) and may enroll students receiving online instruction under paragraph (E).
- G. "Online teacher" means an employee of the enrolling district under paragraph (C) or the supplemental online course provider under paragraph (J) who holds the appropriate licensure under Minnesota Rules, chapter 8710, and is trained to provide online instruction under paragraph (E).

- H. "Student" means a Minnesota resident enrolled in a school defined under Minnesota Statutes, section 120A.22, subdivision 4, in kindergarten through grade 12 up to the age of 21.
- I. "Supplemental online course" means an online learning course taken in place of a course provided by the student's enrolling district under paragraph (C).
- J. "Supplemental online course provider" means a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that is authorized by the Minnesota Department of Education (MDE) to provide supplemental online courses under paragraph (I).

#### **IV. DIGITAL INSTRUCTION**

- A. An enrolling district may provide digital instruction, including blended instruction and online instruction, to the district's own enrolled students. Enrolling districts may establish agreements to provide digital instruction, including blended instruction and online instruction, to students enrolled in the cooperating schools.
- B. When online instruction is provided, an online teacher shall perform all duties of teacher of record under Minnesota Rules, part 8710.0310. Unless the Commissioner of MDE grants a waiver, a teacher providing online instruction shall not instruct more than 40 students in any one online learning course or section.
- C. Students receiving online instruction full time shall be reported as enrolled in an online instructional site.
- D. Curriculum used for digital instruction shall be aligned with Minnesota's current academic standards and benchmarks.
- E. Digital instruction shall be accessible to students under section 504 of the federal Rehabilitation Act and Title II of the federal Americans with Disabilities Act.
- F. An enrolling district providing digital instruction and a supplemental online course provider shall assist an enrolled student whose family qualifies for the education tax credit under Minnesota Statutes, section 290.0674 to acquire computer hardware and educational software so they may participate in digital instruction. Funds provided to a family to support digital instruction or supplemental online courses may only be used for qualifying expenses as determined by the provider. Nonconsumable materials purchased with public education funds remain the property of the provider. Records for any funds provided must be available for review by the public or MDE.
- G. An enrolling district providing digital instruction shall establish and document procedures for determining attendance for membership and keep accurate records of daily attendance under Minnesota Statutes, section 120A.21.

#### **V. SUPPLEMENTAL ONLINE COURSES**

- A. Notwithstanding Minnesota Statutes, sections 124D.03 and 124D.08 and Minnesota Statutes, chapter 124E, procedures for applying to take supplemental online courses other than those offered by the student's enrolling district are as provided in this subdivision.
- B. Any kindergarten through grade 12 student may apply to take a supplemental online course. The student, or the student's parent or guardian for a student under age 17, must submit an application for the proposed supplemental online course or courses. A student may:

1. apply to take an online course from a supplemental online course provider that meets or exceeds the academic standards of the course in the enrolling district they are replacing;
  2. apply to take supplemental online courses for up to 50 percent of the student's scheduled course load; and
  3. apply to take supplemental online courses no later than 15 school days after the student's enrolling district's term has begun. An enrolling district may waive the 50 percent course enrollment limit or the 15-day time limit.
- C. A student taking a supplemental online course must have the same access to the computer hardware and education software available in a school as all other students in the enrolling district.
- D. A supplemental online course provider must have a current, approved application to be listed by MDE as an approved provider. The supplemental online course provider must:
1. use an application form specified by MDE;
  2. notify the student, the student's guardian if they are age 17 or younger, and enrolling district of the accepted application to take a supplemental online course within ten days of receiving a completed application;
  3. notify the enrolling district of the course title, credits to be awarded, and the start date of the online course. A supplemental online course provider must make the online course syllabus available to the enrolling district;
  4. request applicable academic support information for the student, including a copy of the IEP, EL support plan, or 504 plan; and
  5. track student attendance and monitor academic progress and communicate with the student, the student's guardian if they are age 17 or younger, and the enrolling district's designated online learning liaison.
- E. A supplemental online course provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications. The provisions may not discriminate against any protected class or students with disabilities.
- F. A supplemental online course provider may request that MDE review an enrolling district's written decision to not accept a student's supplemental online course application. The student may participate in the supplemental online course while the application is under review. Decisions shall be final and binding for both the enrolling district and the supplemental online course provider.
- G. A supplemental online course provider must participate in continuous improvement cycles with MDE.

## **VI. ENROLLING DISTRICT**

- A. An enrolling district may not restrict or prevent a student from applying to take supplemental online courses.
- B. An enrolling district may request an online course syllabus to review whether the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district.
- C. Within 15 days after receiving notice of a student applying to take a supplemental online

course, the enrolling district must notify the supplemental online course provider whether the student, the student's guardian, and the enrolling district agree that academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district. If the enrolling district does not agree that the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district, then:

1. the enrolling district must provide a written explanation of the district's decision to the student, the student's guardian, and the supplemental online course provider; and
  2. the online provider must provide a response to the enrolling district explaining how the course or program meets the graduation requirements of the enrolling district.
- D. An enrolling district may reduce the course schedule of a student taking supplemental online courses in proportion to the number of supplemental online learning courses the student takes.
- E. An enrolling district must appoint an online learning liaison who:
1. provides information to students and families about supplemental online courses;
  2. provides academic support information including IEPs, EL support plans, and 504 plans to supplemental online providers; and
  3. monitors attendance and academic progress, and communicates with supplemental online learning providers, students, families, and enrolling district staff.
- F. An enrolling district must continue to provide support services to students taking supplemental online courses as they would for any other enrolled student including support for English learners, case management of an individualized education program, and meal and nutrition services for eligible students.
- G. An online learning student must receive academic credit for completing the requirements of a supplemental online learning course. If a student completes an online learning course that meets or exceeds a graduation standard or the grade progression requirement at the enrolling district, that standard or requirement is met.
- H. Secondary credits granted to a supplemental online learning student count toward the graduation and credit requirements of the enrolling district. The enrolling district must apply the same graduation requirements to all students, including students taking supplemental online courses.
- I. An enrolling district must provide access to extracurricular activities for students taking supplemental online courses on the same basis as any other enrolled student.

## **VII. REPORTING**

Courses that include blended instruction and online instruction must be reported in the manner determined by the Commissioner of MDE.

### **LEGAL REFERENCES:**

Minn. Stat. § 120A.21 (Enrollment of a Student in Foster Care)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 120A.24 (Reporting)  
Minn. Stat. § 124D.03 (Enrollment Options Act)  
Minn. Stat. § 124D.08 (School Board's Approval to Enroll in

Nonresident District; Exceptions)  
Minn. Stat. § 124D.094 (Online Instruction Act)  
Minn. Stat. Ch. 124E (Charter Schools)  
Minn. Rules Ch. 8710 (Teacher and Other School Professional  
Licensing)

**CROSS REFERENCES:**

MSBA/MASA Model Policy 613 (Graduation Requirements)  
MSBA/MASA Model Policy 620 (Credit for Learning)

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**