

# ISD 110 School Board Regular Meeting

Monday, November 18, 2024 7:00 PM

Waconia High School - Room C107, 1650 Community Drive, 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. **Master's Degree Achievements** **Presenter:** Dr. Enid Schonewise, Director of Human Resources
    - Heather Milliken
    - Josh Threlkeld
    - Julie Ann Kendrick
    - Annie Knorr
    - Brooke Kuphal
    - Katherine Mann
    - Jessica Rose
    - Nicholas Hanesberry
  - 2.B. **Upcoming Meetings:**
    - Dec 9 Finance & Facilities Committee 6 PM District Office Conf Rm B
    - Dec 9 Truth in Taxation Presentation and Work Session 7 PM District Office Conf Rm A
    - Dec 16 Policy Committee 6 PM District Office Conf. Rm B
    - Dec 16 Regular Meeting 7 PM District Office Conf. Rm A
3. **PUBLIC COMMENT**
4. **MINUTES OF PREVIOUS MEETING**

**Approve minutes of the October 28 regular meeting, November 4 work session, and November 14 special meetings**

ISD 110 School Board Regular Meeting  
Monday, October 28, 2024 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

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

Members absent: Myers

Call to order at 7:00 PM

Motion by DeBoer to adopt agenda

Kelzer-Breeden second

All in favor

Motion carried

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

**Presenter:** Chair Geller

2.A. Staff Spotlight Series: Elementary

**Presenter:** Matt Thomas, Director of Communications

2.B. Continuing Contract Achievements

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

2.C. Upcoming Meetings:

Nov. 4 School Board Finance Committee 6 PM @ District Office

Nov. 4 School Board Work Session 7 PM @ District Office

Nov. 14 School Board Special Meeting RE: Canvass Election 12:00 PM @ District Office

Nov. 18 School Board Policy Committee 6 PM @ WHS Office Meeting Space

Nov. 18 School Board Regular Meeting 7 PM @ WHS C107

**3. PUBLIC COMMENT** none

**4. MINUTES OF PREVIOUS MEETING**

Motion by Bergstrom to approve the minutes of the Sept. 23 regular meeting

Amott second

All in favor

Motion carried

**5. CONSENT AGENDA**

**Presenter:** Chair Geller

Motion by DeBoer to approve Consent Agenda

Hagen second

All in favor

Motion carried

5.A. Bills and Wire Transfers

**Presenter:** Pam Carman, Director of Finance and Operations

5.B. Human Resource Items

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

5.C. Assurance of Compliance with State and Federal Law Prohibiting Discrimination

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

5.D. PSEO Joint Powers Agreement w/Crown College

**Presenter:** Pam Carman, Director of Finance and Operations

5.E. Sitelogiq September Invoice (#10)

**Presenter:** Pam Carman, Director of Finance and Operations

5.F. Receipts of Donation

**Presenter:** Pam Carman, Director of Finance and Operations

## 6. REPORTS

6.A. Student Representative Report

**Presenter:** Reidun Trostad and Lexi Stillwell

6.B. Administrative Presentation

- World's Best Workforce

**Presenter:** Erika Nesvig, Director of Education Services

6.C. Finance Report

**Presenter:** Pam Carman, Director of Finance & Operations

## 7. ACTION ITEMS

7.A. Board Member Myers Resignation

Motion by DeBoer to accept Board Member Myers Resignation

Kelzer-Breeden second

All in favor

Motion carried

7.B. Proposed 2023-2025 Terms and Conditions of Employment for Community Education Kids' Company Site Leads, Leads, and One-on-One Assistants

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

Motion by DeBoer to approve Proposed 2023-2025 Terms and Conditions of Employment for Community Education Kids' Company Site Leads, Leads, and One-on-One Assistants

Hagen second

All in favor

Motion carried

7.C. Proposed 2023-2025 Terms and Conditions of Employment for Community Education Secretary Clerical

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

Motion by Amott to approve Proposed 2023-2025 Terms and Conditions of Employment for Community Education Secretary Clerical

DeBoer second

All in favor

Motion carried

7.D. Proposed 2023-2025 Terms and Conditions of Employment for Community Education Supervisors and Coordinators

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

Motion by Kelzer-Breeden to approve Proposed 2023-2025 Terms and Conditions of Employment for Community Education Supervisors and Coordinators

Amott second

All in favor

Motion carried

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

Motion by Bergstrom to approve Second Read Board Policies

Amott second

All in favor

Motion carried

7.E.1. 102 Equal Educational Opportunity

7.E.2. 104 School District Mission Statement

7.E.3. 207 Public Hearings

7.E.4. 419 Tobacco Free Environment

7.E.5. 521 Student Disability Nondiscrimination

7.E.6. 601 School District Curriculum and Instructional Goals

7.E.7. 602 Organization of School Calendar and School Day

7.E.8. 603 Curriculum Development

7.E.9. 604 Instructional Curriculum

7.E.10. 607 Organization of Grade Levels

7.E.11. 609 Religion

7.E.12. 614 School District Testing Plan and Procedure

7.E.13. 615 Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students

7.E.14. 616 School District System Accountability

7.E.15. 619 Staff Development for Standards

7.E.16. 624 Online Instruction

7.E.17. 707 Transportation of Public School Students

7.E.18. 708 Transportation of Nonpublic School Students

#### 7.F. **Rescind Board Policy**

Motion by DeBoer to table Rescinding Board Policy 625 until policy 606.5 is adopted

Kelzer-Breedon second

All in favor

Motion carried

7.F.1. 625 Media and Book Selection

### 8. **DISCUSSION ITEMS**

#### 8.A. First Read Board Policies

8.A.1. 405 Veteran's Preference

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

8.A.2. 406 Public and Private Personnel Data

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

8.A.3. 407 Employee Right to Know - Exposure to Hazardous Substances

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

8.A.4. 409 Employee Publications, Instructional Materials, Inventions, and Creations

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

8.A.5. 413 Harassment and Violence

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

8.A.6. 416 Drug and Alcohol Testing

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

8.A.7. 436 Substitute Teaching

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

8.A.8. 515 Protection and Privacy of Pupil Records

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

8.A.9. 613 Graduation Requirements

**Presenter:** Erika Nesvig, Director of Education Services

### 9. **BOARD COMMITTEE REPORTS**

9.A. Self-Governance & Superintendent Relations Committee – Geller mentions upcoming MSBA Leadership Conference registration is open for the Jan. 6-7, 2025 conference.

9.B. Finance & Facilities Committee

9.C. Policy & Advocacy Committee

9.D. Schools Advocating for Fair Funding (SAFF) Representative

9.E. Southwest Metro Intermediate District 288 Representative

9.F. MSHSL Representative

9.G. Special Education Advisory Council

9.H. Community Education Advisory Council Representative

9.I. Teaching & Learning Advisory Council Representative

9.J. City of Waconia Liaison

Member Hagen shared highlights of visit to Community Education department, and the recent TLAC meeting

## 10. **ADJOURNMENT**

Motion by DeBoer to adjourn

Bergstrom second

All in favor

Motion carried

Meeting adjourned at 7:48 PM

ISD 110 School Board Work Session  
Monday, November 4, 2024 7:00 PM

Waconia Public Schools - District Office -  
Conf Rm A  
512 Industrial Blvd.  
Waconia, MN 55387

Members present: Geller, Hagen, Bergstrom, DeBoer, Kelzer-Breeden, Amott  
Members absent: none

1. Superintendent Updates

- Student Leadership Conference
- Weather monitoring, reminder to families to update contact information
- Site Visits have started, reviewing audit, future projections, items to bring back

2. Draft of Slides for New Board Member Meeting with Admin Team

3. Appoint Treasurer for Remaining 2024

Motion by Geller to appoint Member Bergstrom to serve as Treasurer for remainder of 2024.  
DeBoer second  
All in favor  
Motion carried

4. Educational Support Professional Collective Bargaining Agreement for 2023-24, 2024-25, and 2025-26

Motion by DeBoer to approve Educational Support Professional Collective Bargaining Agreement for 2023-24, 2024-25, and 2025-26  
Amott second  
All in favor  
Motion carried

5. Proposed 2023-2025 Terms and Conditions of Employment for Community Education  
Preschool and ECFE Assistants

Motion by DeBoer to approve Proposed 2023-2025 Terms and Conditions of Employment for Community Education Preschool and ECFE Assistants  
Kelzer-Breeden second  
All in favor  
Motion carried

6. Superintendent Contract Discussion – Member DeBoer reviewed proposed changes, contract will be brought to Nov. 18 meeting for action.

Meeting ended 7:34 PM

ISD 110 School Board Special Meeting  
Thursday, November 14, 2024 12:00 PM

Waconia Public Schools - District Office -  
Conf Rm A  
512 Industrial Blvd.  
Waconia, MN 55387

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

Call to order by Chair Geller at 12:00 PM

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

Members absent: DeBoer

Motion by Bergstrom to adopt agenda

Kelzer-Breedon second

All in favor

Motion carried

## **2. ACTION ITEMS**

2.A. Resolution Canvassing Returns of Votes for School District General Election for Board Members (Roll Call Vote)

Motion by Hagen to approve Resolution Canvassing Returns of Votes for School District General Election for Board Members

Amott second

Roll Call Vote Taken

All in favor

Motion carried

2.B. Resolution Authorizing Issuance of Certificates of Election and Directing the School District Clerk to Perform Other Election-Related Duties (Roll Call Vote)

Motion by Amott to approve Resolution Authorizing Issuance of Certificates of Election and Directing the School District Clerk to Perform Other Election-Related Duties

Kelzer-Breedon second

Roll Call Vote Taken

All in favor

Motion carried

## **3. ADJOURNMENT**

Motion by Hagen to adjourn

Kelzer-Breedon second

All in favor

Motion carried

Meeting adjourned at 12:02 PM

5. **CONSENT AGENDA**

**Presenter:** Chair  
Geller

5.A. Bills and Wire Transfers

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	POST AMOUNT	MONTH
613338	ANDERSON, DON	10/25/2024	R	125.00	October
613339	AVIBEN	10/25/2024	R	553.57	October
613340	BATTERIES R US	10/25/2024	R	129.98	October
613341	BIFFS, INC	10/25/2024	R	2,195.00	October
613342	BNR IRRIGATION SERVICES INC	10/25/2024	R	432.55	October
613343	BREAKOUT, INC.	10/25/2024	R	99.00	October
613344	CATALYST SOURCING SOLUTIONS	10/25/2024	R	3,944.39	October
613345	CD PRODUCTS INC	10/25/2024	R	33.00	October
613346	CENTRAL MCGOWAN INC - 139156	10/25/2024	R	46.52	October
613347	CHANHASSEN BOOSTER CLUB	10/25/2024	R	150.00	October
613348	CHOICE ELECTRIC	10/25/2024	R	320.17	October
613349	CITY OF WACONIA	10/25/2024	R	20,000.00	October
613350	CULLIGAN BOTTLED WATER	10/25/2024	R	90.00	October
613351	ECM PUBLISHERS, INC	10/25/2024	R	551.25	October
613352	FLAGSHIP RECREATION	10/25/2024	R	341.20	October
613353	FLINN SCIENTIFIC	10/25/2024	R	32.40	October
613354	FRANKLIN PRINTING INC	10/25/2024	R	236.61	October
613355	GAME ONE	10/25/2024	R	1,663.99	October
613356	GRAINGER	10/25/2024	R	13.11	October
613357	GROTH MUSIC COMPANY	10/25/2024	R	72.95	October
613358	INDEPENDENT SCHOOL DIST #625	10/25/2024	R	4,240.92	October
613359	INDIANHEAD FS DISTRIBUTOR, INC	10/25/2024	R	25,453.26	October
613360	INNOVATIONAL WATER SOLUTIONS I	10/25/2024	R	646.00	October
613361	KOCH SCHOOL BUS SERVICE, INC	10/25/2024	R	456,719.29	October
613362	LVC COMPANIES INC	10/25/2024	R	640.00	October
613363	MACKENTHUN'S FINE FOODS	10/25/2024	R	3,390.82	October
613364	MARKGRAF, BRANDON	10/25/2024	R	150.00	October
613365	MASSP	10/25/2024	R	1,285.00	October
613366	MAYER LUMBER CO, INC	10/25/2024	R	7,128.50	October
613367	MEI TOTAL ELEVATOR SOLUTIONS	10/25/2024	R	791.00	October
613368	MN CLAY CO USA	10/25/2024	R	274.34	October
613369	MRI SOFTWARE LLC	10/25/2024	R	215.00	October
613370	MUSIC MART	10/25/2024	R	5,022.62	October
613371	NORTHFIELD LINES, INC	10/25/2024	R	5,321.50	October
613372	PERFORMANCE FOODSERVICE	10/25/2024	R	1,019.39	October
613373	PLANSOURCE BENEFITS ADMIN INC	10/25/2024	R	3,062.89	October
613374	PROFESSIONAL TURF & RENOVATION	10/25/2024	R	9,500.00	October
613375	REALITYWORKS, INC.	10/25/2024	R	87.00	October
613376	RECTECH OUTDOOR SOLUTIONS LLC	10/25/2024	R	313.69	October
613377	REED WHOLESALE & OCS	10/25/2024	R	2,088.00	October
613378	S.M. HENTGES & SONS INC	10/25/2024	R	14,000.00	October
613379	SCHOLASTIC BOOK FAIRS-15	10/25/2024	R	1,524.61	October
613380	SITEONE LANDSCAPE SUPPLY LLC	10/25/2024	R	23.73	October
613381	SOCIAL THINKING PUBLISHING	10/25/2024	R	90.66	October
613382	STAPLES ADVANTAGE	10/25/2024	R	454.23	October
613383	TEXTBOOK WAREHOUSE	10/25/2024	R	88.20	October
613384	TINTES, MATTHEW	10/25/2024	R	406.00	October
613385	TRIO SUPPLY COMPANY	10/25/2024	R	497.62	October
613386	UHL CO	10/25/2024	R	947.10	October
613387	EYE MED-FIDELITY SECURITY LIFE	10/31/2024	R	2,029.16	October
613388	NCPERS GROUP LIFE INS	10/31/2024	R	96.00	October
613389	SCHOOL SERVICE EMPLOYEES	10/31/2024	R	888.56	October
613390	WACONIA EDUCATION ASSOCIATION	10/31/2024	R	12,307.65	October
613391	1000 PETALS, LLC	11/01/2024	R	269.90	November
613392	CHANHASSEN HIGH SCHOOL	11/01/2024	R	120.00	November
613393	DACOTAH PAPER CO.	11/01/2024	R	41.78	November

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
613394	HANSON SPORTS LLC	11/01/2024	R	550.40	November
613395	HEFFELE, KATELYN	11/01/2024	R	25.00	November
613396	HUSTLE & HEART SPORTS	11/01/2024	R	135.00	November
613397	JACQUES, RYAN	11/01/2024	R	695.00	November
613398	LEE'S REFRIGERATION LLC	11/01/2024	R	330.00	November
613399	MN DEPT OF HEALTH	11/01/2024	R	35.00	November
613400	PARTS CITY WACONIA	11/01/2024	R	223.28	November
613401	PERFORMANCE FOODSERVICE	11/01/2024	R	592.39	November
613402	PREMIER LAND SURVEYING LLC	11/01/2024	R	13,500.00	November
613403	REGION 2AA	11/01/2024	R	9,711.00	November
613404	SITELOGIQ, INC	11/01/2024	R	94,584.38	November
613405	STARR, CHRISTINE	11/01/2024	R	5,100.00	November
613406	21ST CENTURY SPORTS LLC	11/08/2024	R	540.00	November
613407	A H HERMEL COMPANY	11/08/2024	R	811.74	November
613408	ADAMS PEST CONTROL CO INC	11/08/2024	R	436.80	November
613409	ALEX, JESSE	11/08/2024	R	85.00	November
613410	ALPHA WIRELESS COMMUNICATIONS	11/08/2024	R	378.00	November
613411	ANTHEM SPORTS, LLC	11/08/2024	R	280.84	November
613412	AUDIOQUIP	11/08/2024	R	540.00	November
613413	AVIBEN	11/08/2024	R	256.69	November
613414	BACH, MATTHEW	11/08/2024	R	80.00	November
613415	BARFKNECHT, ALAN	11/08/2024	R	125.00	November
613416	BARNES & NOBLE	11/08/2024	R	46.32	November
613417	BEHRENS, CHARLES	11/08/2024	R	49.00	November
613418	BETTENDORF HIGH SCHOOL	11/08/2024	R	300.00	November
613419	BLICK ART MATERIALS	11/08/2024	R	46.90	November
613420	BMK ARRANGEMENTS	11/08/2024	R	1,500.00	November
613421	BOELTER COMPANIES INC.	11/08/2024	R	1,731.32	November
613422	BSN SPORTS LLC	11/08/2024	R	3,056.33	November
613423	BUZARD, BRYAN	11/08/2024	R	85.00	November
613424	CANON FINANCIAL SERVICES INC	11/08/2024	R	890.18	November
613425	CD PRODUCTS INC	11/08/2024	R	88.00	November
613426	CDW GOVERNMENT LLC	11/08/2024	R	4,125.00	November
613427	CENTRAL MCGOWAN INC - 139156	11/08/2024	R	750.00	November
613428	CHOICE ELECTRIC	11/08/2024	R	4,160.59	November
613429	COREMARK METALS	11/08/2024	R	1,000.03	November
613430	CUSTOM INK	11/08/2024	R	1,252.90	November
613431	DARR, DAVID	11/08/2024	R	125.00	November
613432	DEMCO, INC	11/08/2024	R	78.65	November
613433	DISCOUNT SCHOOL SUPPLY	11/08/2024	R	134.60	November
613434	FITZHARRIS SPORTS	11/08/2024	R	400.00	November
613435	GAME ONE	11/08/2024	R	1,411.20	November
613436	GET MORE MATH	11/08/2024	R	180.00	November
613437	GRAINGER	11/08/2024	R	632.56	November
613438	H&B SPECIALIZED PRODUCTS	11/08/2024	R	1,935.00	November
613439	HAPPY FEET SOCCER TWIN CITIES	11/08/2024	R	1,008.00	November
613440	HARDGROVE, JOHN	11/08/2024	R	125.00	November
613441	HEGER'S DAIRY LLC	11/08/2024	R	9,902.53	November
613442	HELEN SOLAR LLC	11/08/2024	R	7,086.58	November
613443	HILLYARD/HUTCHINSON	11/08/2024	R	5,557.38	November
613444	HOLMLUND, JORDYN	11/08/2024	R	75.00	November
613445	HOLTON ELECTRIC CONTRACTORS	11/08/2024	R	128.00	November
613446	HOUGHTON MIFFLIN	11/08/2024	R	696.00	November
613447	HUDL	11/08/2024	R	20,000.00	November
613448	IEA, INC	11/08/2024	R	1,962.82	November
613449	INDIANHEAD FS DISTRIBUTOR, INC	11/08/2024	R	30,111.26	November

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
613450	INGCO INT'L INC	11/08/2024	R	55.00	November
613451	INNOVATIVE GRAPHICS	11/08/2024	R	960.00	November
613452	INNOVATIVE OFFICE SOLUTIONS LL	11/08/2024	R	77.60	November
613453	JONES, TREMAYNE	11/08/2024	R	125.00	November
613454	JOSTENS	11/08/2024	R	14.50	November
613455	JW PEPPER & SON, INC	11/08/2024	R	591.99	November
613456	L2 BRANDS LLC	11/08/2024	R	805.28	November
613457	LAKESHORE LEARNING MATERIALS L	11/08/2024	R	19.99	November
613458	LANO EQUIPMENT INC	11/08/2024	R	100.36	November
613459	LOFFLER COMPANIES	11/08/2024	R	530.55	November
613460	LVC COMPANIES INC	11/08/2024	R	2,530.00	November
613461	MAWSECO 938	11/08/2024	R	697.05	November
613462	METRO VOLLEYBALL OFFICIALS ASS	11/08/2024	R	810.00	November
613463	METRONET	11/08/2024	R	1,885.88	November
613464	DR. WARD MILLER LLC	11/08/2024	R	480.00	November
613465	MN JUNIOR HIGH MATH LEAGUE	11/08/2024	R	250.00	November
613466	NAVIGATE360, LLC	11/08/2024	R	3,412.50	November
613467	OFFICE OF MNIT SERVICES	11/08/2024	R	21.00	November
613468	OLIVER, JOSEPH	11/08/2024	R	125.00	November
613469	ORIENTAL TRADING/FUN EXPRESS	11/08/2024	R	539.53	November
613470	PAN-O-GOLD BAKING CO	11/08/2024	R	3,989.25	November
613471	PARTS CITY WACONIA	11/08/2024	R	106.99	November
613472	PASCO, JEFF	11/08/2024	R	125.00	November
613473	PERFORMANCE FOODSERVICE	11/08/2024	R	1,559.00	November
613474	PERNSTEINER CREATIVE GROUP, IN	11/08/2024	R	3,176.00	November
613475	PICK A TIME	11/08/2024	R	240.00	November
613476	PIECHOWSKI, DENNIS	11/08/2024	R	125.00	November
613477	PREP TIME PRINTING	11/08/2024	R	3,820.00	November
613478	RASMUSSEN, KENDRA	11/08/2024	R	125.00	November
613479	REGION 2AA	11/08/2024	R	14,722.00	November
613480	REGION V	11/08/2024	R	706.25	November
613481	REINISCH, MATTHEW	11/08/2024	R	125.00	November
613482	RIDGEWATER COLLEGE	11/08/2024	R	20,240.00	November
613483	RIVERSIDE INSIGHTS	11/08/2024	R	227.60	November
613484	SAUK PRAIRIE MUSIC ASSOC	11/08/2024	R	600.00	November
613485	SCAN AIR FILTER, INC	11/08/2024	R	7,014.12	November
613486	SCHOOL SPECIALTY, LLC	11/08/2024	R	953.55	November
613487	SELL, DAVE	11/08/2024	R	125.00	November
613488	SHERWIN-WILLIAMS CO	11/08/2024	R	490.50	November
613489	SHOWCHOIRSTOCK.COM	11/08/2024	R	250.00	November
613490	SHRED-N-GO - 446138	11/08/2024	R	330.00	November
613491	SONOVA USA INC	11/08/2024	R	2,125.82	November
613492	SOUTHWEST MN STATE UNIV	11/08/2024	R	8,690.00	November
613493	SPECIAL SCHOOL DIST NO 1	11/08/2024	R	198.00	November
613494	SQUIRES,WALDSPURGER & MACE PA	11/08/2024	R	945.07	November
613495	ST JAMES HIGH SCHOOL	11/08/2024	R	50.00	November
613496	STAPLES ADVANTAGE	11/08/2024	R	13.71	November
613497	STEP SAVER, INC	11/08/2024	R	339.66	November
613498	STUKENT, INC	11/08/2024	R	3,000.00	November
613499	THUNSTROM, LEE	11/08/2024	R	125.00	November
613500	TRESONA MULTIMEDIA LLC	11/08/2024	R	1,440.00	November
613501	TRIO SUPPLY COMPANY	11/08/2024	R	1,223.87	November
613502	TRUE FRIENDS	11/08/2024	R	10,297.32	November
613503	TYHURST, KENDALL	11/08/2024	R	150.00	November
613504	UHL CO	11/08/2024	R	7,957.80	November
613505	UNIVERSITY OF MN	11/08/2024	R	9,570.00	November

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
613506	WAYNE DAUWALTER PLUMBING	11/08/2024	R	380.00	November
613507	WENGER CORPORATION	11/08/2024	R	454.30	November
613508	WILSON LANGUAGE TRAINING CORP	11/08/2024	R	45.00	November
613509	SCHILLER, THOMAS	11/08/2024	R	125.00	November
613510	AMAZON CAPITAL SERVICES	11/11/2024	R	12,488.92	November
202400368	EDUCATIONAL SUPPORT PARA UNION	10/15/2024	W	1,344.85	October
202400370	LIFE INS CO OF NORTH AMERICA	10/15/2024	W	4,534.20	October
202400376	ONEBRIDGE BENEFITS, INC.	10/15/2024	W	4,789.00	October
202400377	INTERNAL REVENUE SERVICE	10/15/2024	W	98.22	October
202400378	MN DEPT OF REVENUE	10/15/2024	W	0.00	October
202400379	MN TEACHERS RETIREMENT ASSN	10/15/2024	W	105.92	October
202400382	EDUCATIONAL SUPPORT PARA UNION	10/31/2024	W	1,344.85	October
202400383	INTERNAL REVENUE SERVICE	10/31/2024	W	310,636.52	October
202400384	LIFE INS CO OF NORTH AMERICA	10/31/2024	W	6,716.46	October
202400385	MN CHILD SUPPORT PYMT CENTER	10/31/2024	W	150.50	October
202400386	MN DEPT OF REVENUE	10/31/2024	W	51,482.30	October
202400387	MN TEACHERS RETIREMENT ASSN	10/31/2024	W	159,609.87	October
202400388	PERA	10/31/2024	W	50,815.65	October
202400389	AVIBEN	10/31/2024	W	64,898.60	October
202400390	ONEBRIDGE BENEFITS, INC.	10/31/2024	W	4,789.00	October
202400391	ARROWOOD-A RADISSON RESORT	11/10/2024	W	258.22	November
202400392	SKYWARD USERS OF MN	11/10/2024	W	500.00	November
202400393	ALDI	11/10/2024	W	414.14	November
202400394	TARGET BANK	11/10/2024	W	1,150.64	November
202400395	GREATER MN COMMUNICATIONS	11/10/2024	W	250.00	November
202400398	FLEET FARM	11/10/2024	W	1,284.68	November
202400406	AMERICAN SCHOOL COUNSELOR ASSN	11/10/2024	W	129.00	November
202400407	MN VALLEY ELECTRIC CORP	11/10/2024	W	42,175.78	November
202400408	CITY OF WACONIA	11/10/2024	W	619.58	November
202400409	ROBERTS HAMILTON WEST	11/10/2024	W	51.62	November
202400410	B&H PHOTO-VIDEO	11/10/2024	W	244.99	November
202400411	DOMINO'S PIZZA	11/10/2024	W	265.48	November
202400412	MSCA-MN SCHOOL COUNSELORS ASSN	11/10/2024	W	180.00	November
202400413	BRIAN CAIN PEAK PERFORMANCE	11/10/2024	W	797.00	November
202400414	CLASSROOMSCREEN B.V.	11/10/2024	W	29.90	November
202400416	MSHSL	11/10/2024	W	350.32	November
202400417	HY-TEK SPORTS SOFTWARE	11/10/2024	W	314.00	November
202400420	WAYSIDE PUBLISHING	11/10/2024	W	70.50	November
202400421	HOME DEPOT	11/10/2024	W	199.00	November
202400422	MBITE	11/10/2024	W	25.00	November
202400424	EMAGINE WACONIA	11/10/2024	W	68.72	November
202400426	MINNSPRA	11/10/2024	W	100.00	November
202400427	MSHSCA	11/10/2024	W	69.75	November
202400428	DOLLAR TREE	11/10/2024	W	13.75	November
202400429	STAGES THEATRE COMPANY	11/10/2024	W	820.00	November
202400430	JIMMY JOHNS	11/10/2024	W	93.03	November
202400431	SWANK MOVIE LICENSING USA	11/10/2024	W	495.00	November
202400432	TEACHERS SYNERGY, LLC	11/10/2024	W	12.00	November
202400433	LEARNING A-Z LLC	11/10/2024	W	123.75	November
202400434	HOMEGROWN LACROSSE	11/10/2024	W	2,050.00	November
202400435	TWIN CITIES SOCCER LEAGUES	11/10/2024	W	3,530.00	November
202400437	CLIFTONLARSONALLEN	11/10/2024	W	8,400.00	November
202400438	MINNETESOL	11/10/2024	W	390.00	November
202400440	4N6 FANATICS	11/10/2024	W	200.00	November
202400441	MASBO	11/10/2024	W	235.00	November
202400442	REV ROBOTICS	11/10/2024	W	659.89	November

CHECK NUMBER	VENDOR	CHECK DATE	CHE TYP	AMOUNT	POST MONTH
202400443	ANDYMARK INC	11/10/2024	W	580.79	November
202400444	SWERVE DRIVE SPECIALTIES	11/10/2024	W	1,243.16	November
202400445	NORTHERN TOOL & EQUIPMENT CO	11/10/2024	W	859.60	November
202400446	ROCKET SCIENCE GROUP, LLC	11/10/2024	W	300.00	November
202400447	GRAMMARLY, INC.	11/10/2024	W	287.99	November
202400449	MN COUNCIL of TEACHER of ENGLI	11/10/2024	W	525.00	November
202400450	MN SHAPE	11/10/2024	W	250.00	November
202400451	WACONIA CHAMBER OF COMMERCE	11/10/2024	W	30.00	November
202400454	SIGNUP GENIUS	11/10/2024	W	269.89	November
202400455	FACEBOOK MARKETPLACE	11/10/2024	W	19.36	November
202400456	HI-POD	11/10/2024	W	115.50	November
202400460	SQUARESPACE INC	11/10/2024	W	276.00	November
202400466	QR PLANET GMBH	11/10/2024	W	60.00	November
202400467	AT&T MOBILITY	10/04/2024	W	147.07	October
202400468	CENTERPOINT ENERGY	10/28/2024	W	15,322.98	October
202400469	QUADIENT FINANCE USA, INC	10/11/2024	W	1,576.13	October
202400470	T-MOBILE	10/11/2024	W	460.00	October
202400471	XCEL ENERGY	10/25/2024	W	119.76	October
202400473	XCEL ENERGY	10/31/2024	W	23,511.61	October
242500022	BERGJORD, LAURA	10/25/2024	A	89.00	October
242500023	DAVISON, AMY	10/25/2024	A	9.05	October
242500024	WOYNO, IVAN	10/25/2024	A	90.00	October
242500025	CARLISLE, JOSHUA	11/08/2024	A	26.63	November

Totals for checks 1,728,568.94

FUND SUMMARY

<u>FUND</u>	<u>DESCRIPTION</u>	<u>BALANCE SHEET</u>	<u>REVENUE</u>	<u>EXPENSE</u>	<u>TOTAL</u>
01	General	630,120.86	0.00	815,096.91	1,445,217.77
02	Food Service	20,205.92	0.00	89,338.99	109,544.91
04	Community Service	35,379.31	0.00	30,342.57	65,721.88
06	Building Construction	0.00	0.00	108,084.38	108,084.38
***	Fund Summary Totals ***	685,706.09	0.00	1,042,862.85	1,728,568.94

\*\*\*\*\* 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 – November 18, 2024

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

**AGENDA ITEM: Human Resources Recommendations**

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

---

**Employment**

<b>Bjerkaas, Shelby</b> Replacement	Preschool Teacher Long- Term Substitute <b>Attach K</b>	WEC
<b>Blilie, Heidi</b> Replacement	ECFE Teacher Assistant 1.75 Hours/Day; 175 Days	ECFE
<b>Leistiko, Edward</b> Replacement	Custodial Cleaner 8 Hours/Day; 260 Days	WMS
<b>Meyer, Janine</b> Replacement	Kindergarten Teacher Long- Term Substitute <b>Attach K</b>	SV
<b>Precht, Isabella</b> Replacement	Grade 1 Teacher Long-Term Substitute <b>Attach K</b>	LT

**Employee Status Changes**

**Grove, Shannon**, Title I ESP, from 6 hours/day to 6.25 hours/day at BV

**Leaves of Absence**

**Litfin, Vicki**, Nutritional Assistant at BV

**Extended Leave of Absence**

**Retirements/Resignations/Terminations**

**Green, Sommer,** Kids' Company Site Lead at Comm Ed

**Puff, Ellen,** English/Language Arts Teacher at WHS

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

5.C. Designate Community Representative for ISD 110  
Relicensure Committee



**MEMORANDUM**

**TO:** ISD 110 School Board

**FROM:** Dr. Brian Gersich, Superintendent

**DATE:** 10/31/2024

**SUBJECT:** Consent to Designate Community Representative for ISD 110 Relicensure Committee

---

The Professional Educator Licensing and Standards Board (PELSB) is the state board that issues Minnesota State Educator Licences, which include relicensures. At the time an educator would need to seek relicensure, the educator would connect with their local school district's Relicensure Committee.

PELSB bylaws require a school board to designate a district resident to be a member of the district's Relicensure Committee, these bylaws also require this designated resident not to be a current employee of the district.

ISD 110 Administration has recently collaborated with WEA Leadership to identify Katie Whipps as a good fit for this role. Ms. Whipps is a district resident, a former ISD 110 teacher, is familiar with the licensure process, and can provide support to those seeking relicensure.

Therefore, the administrative recommendation is for the school board to designate Katie Whipps as the Community Representative for the ISD 110 Relicensure Committee.

5.D. MSHSL Foundation Resolution Form A

**Presenter:** Bucky  
Mieras, Activities  
Director

# FORM A

## RESOLUTION OF GOVERNING BOARD SUPPORTING FORM A APPLICATION TO MINNESOTA STATE HIGH SCHOOL LEAGUE FOUNDATION

WHEREAS, the Minnesota State High School League Foundation was formed to provide support for Minnesota's high school youth to participate in athletics and fine arts;

WHEREAS, the Governing Board of Waconia Public Schools recognizes the value of student participation in extracurricular activities; and

WHEREAS, the MSHSL Foundation is offering grants and funding to assist schools in recognizing, promoting and funding extracurricular participation by high school students in athletic and fine arts programs.

THEREFORE, BE IT RESOLVED, that the Governing Board of Waconia Public Schools supports the school's application to the Minnesota State High School League Foundation for a FORM A grant to offset student activity fees.

11-18-2024

Date

\_\_\_\_\_  
Board Chair

11-18-2024

Date

\_\_\_\_\_  
Board Clerk – Treasurer

# FORM A

## RESOLUTION OF GOVERNING BOARD SUPPORTING FORM A APPLICATION TO MINNESOTA STATE HIGH SCHOOL LEAGUE FOUNDATION

WHEREAS, the Minnesota State High School League Foundation was formed to provide support for Minnesota's high school youth to participate in athletics and fine arts;

WHEREAS, the Governing Board of [Name of School/District] [Click or tap here to enter text.](#) recognizes the value of student participation in extracurricular activities; and

WHEREAS, the MSHSL Foundation is offering grants and funding to assist schools in recognizing, promoting and funding extracurricular participation by high school students in athletic and fine arts programs.

THEREFORE, BE IT RESOLVED, that the Governing Board of [Name of School/District] [Click or tap here to enter text.](#) supports the school's application to the Minnesota State High School League Foundation for a **FORM A** grant to offset student activity fees.

[Click or tap here to enter text.](#)

Date

\_\_\_\_\_  
Board Chair/Head of School

[Click or tap here to enter text.](#)

Date

\_\_\_\_\_  
Board Clerk – Treasurer/ Finance Director

# FORM A WORKSHEET

## ASSISTING WITH FILLING OUT FORM A APPLICATION TO MINNESOTA STATE HIGH SCHOOL LEAGUE FOUNDATION

*This is for your assistance only and does not need to be submitted with the Application Form*

### STEP 1

List the number of free and reduced lunch students identified in the October 1, 2023 report submitted by your school to the Minnesota Department of Education. Enter these numbers on FORM A

Grade 9: 34  
Grade 10: 26  
Grade 11: 26  
Grade 12: 40

TOTAL:

126

Enter these numbers on FORM A

### STEP 2

Identify the **UNDUPLICATED** number of free or reduced lunch students who participated in your activities program during the 2023-2024 school year.

- Unduplicated: Only count each student participant one time.
- In calculating your unduplicated number, count each student once regardless of the number of activities in which the student might participate. The total unduplicated count below must not be more than the total number in Step 1.

*Example: Sally Smith: Fall-volleyball; Winter-dance; Spring-golf.  
Sally counts as one student regardless of the number of activities in which she participates.*

*Bill Johnson: Winter-wrestling.  
Bill counts as one student and only participated in one activity.*

**TOTAL UNDUPLICATED COUNT**  
of free/reduced lunch students

29

Enter this number on FORM A

### STEP 3: NOT LATER THAN NOVEMBER 15, 2024

Complete the online Form A application at [mshslfoundation.org](https://mshslfoundation.org)

Contact your school administrator and have the MSHSL Foundation Form A Resolution approved by the Governing Board of your school.

Once approved, the Governing Board Chair and Governing Board Clerk/Treasurer shall sign the Resolution.

Upload the PDF of the Resolution on the Form A application or email MSHSL Foundation Resolution to [mshslfoundation@gmail.com](mailto:mshslfoundation@gmail.com).

5.E. MSHSL Foundation Resolution Form B

**Presenter:** Bucky  
Mieras, Activities  
Director

## FORM B

### RESOLUTION OF SCHOOL BOARD/GOVERNING BOARD SUPPORTING FORM B APPLICATION TO MINNESOTA STATE HIGH SCHOOL LEAGUE FOUNDATION

WHEREAS, the Minnesota State High School League Foundation was formed to provide support for Minnesota's high school youth to participate in athletics and fine arts;

WHEREAS, the Governing Board of Waconia Public Schools recognizes the value of student participation in extracurricular activities; and

WHEREAS, the MSHSL Foundation is offering grants and funding to assist schools to provide seminars/training opportunities or support for specific school functions for students/faculty members/officials and others who are involved in athletic and fine arts programs.

THEREFORE, BE IT RESOLVED, that the Governing Board of Waconia Public Schools supports the school's application to the Minnesota State High School League Foundation for a **FORM B** grant.

11-18-2024

Date

\_\_\_\_\_  
Board Chair

11-18-2024

Date

\_\_\_\_\_  
Board Clerk - Treasurer

**A RESOLUTION submitted by an Activity Conference or Region Committee must adhere to the same form and context of the School Board Resolution above.**

## FORM B

### RESOLUTION OF SCHOOL BOARD/GOVERNING BOARD SUPPORTING FORM B APPLICATION TO MINNESOTA STATE HIGH SCHOOL LEAGUE FOUNDATION

WHEREAS, the Minnesota State High School League Foundation was formed to provide support for Minnesota's high school youth to participate in athletics and fine arts;

WHEREAS, the Governing Board of [Name of School] Click or tap here to enter text. recognizes the value of student participation in extracurricular activities; and

WHEREAS, the MSHSL Foundation is offering grants and funding to assist schools to provide seminars/training opportunities or support for specific school functions for students/faculty members/officials and others who are involved in athletic and fine arts programs.

THEREFORE, BE IT RESOLVED, that the Governing Board of [Name of School] Click or tap here to enter text. supports the school's application to the Minnesota State High School League Foundation for a **FORM B** grant.

Click or tap here to enter text.

Date

\_\_\_\_\_  
Board Chair/Head of School

Click or tap here to enter text.

Date

\_\_\_\_\_  
Board Clerk - Treasurer

**A RESOLUTION submitted by an Activity Conference or Region Committee must adhere to the same form and context of the School Board Resolution above.**

**MSHSL Foundation**

**FORM B**

**Expenditure Line Item Budget**

Grant Request: Coaches Education and Leadership Training

Amount Requested: \$ 1,150.00

	Quantity	Price	Total
Greg Berge Mega Bundle	1	250.00	\$ 250.00
Brian Cain Leadership Training	1	900.00	\$ 900.00
Total Request			\$ 1,150.00

5.F. Sitelogiq October Invoice



INVOICE

Project #: PUBMID-006344

MN - Waconia - LTFM - PSA - Phase I

BILLING DATE	10/18/2024
PERIOD TO:	10/31/2024
ACCOUNT NUMBER	102640
INVOICE NUMBER	13355
AMOUNT DUE	\$ 16,764.00

**INVOICE TO:**  
**Waconia Public Schools**  
 ATTN: Brian Gersich  
 512 Industrial Blvd  
 Waconia, MN 55387  
[bgersich@isd110.org](mailto:bgersich@isd110.org)

**PLEASE REMIT PAYMENT TO:**  
 SitelogIQ Inc. - Accounts Receivables Midwest  
 IDS Center  
 80 South 8th Street, Suite 1850  
 Minneapolis, MN 55402

DETACH HERE - RETURN TOP PORTION WITH YOUR PAYMENT - RETAIN THIS COPY FOR YOUR RECORDS



BILLING DATE	10/18/2024
PERIOD TO:	10/31/2024
ACCOUNT NUMBER	102640
INVOICE NUMBER	13355
AMOUNT DUE	\$ 16,764.00

TERMS:	30 DAYS UPON RECEIPT

Waconia Public Schools

Program	Fund	Description	Project Amount	Percent Complete	Previously Billed	Current Billing	Cumulative Billing
		Design Document Phase	\$ 2,206,968.74	100%	\$ 2,206,968.75		\$ 2,206,968.75
		Construction Implementation Phase	\$ 788,203.13	30%	\$ 219,696.91	\$ 16,764.00	\$ 236,460.91
		Post Construction	\$ 157,640.63	0%	\$ -	\$ -	\$ -
							\$ -
			\$ 3,152,812.50	77%	\$ 2,426,665.66	\$ 16,764.00	\$ 2,443,429.66

DIRECT INQUIRIES AND CORRESPONDENCE TO:

**Joshua Evenson**  
 320.296.4264  
[Joshua.evenson@sitelogiq.com](mailto:Joshua.evenson@sitelogiq.com)

SitelogIQ, Inc - Accounts Receivables Midwest  
 IDS Center 80 South 8th  
 Suite 1850  
 Minneapolis, MN 55402

PAY THIS AMOUNT IN US DOLLARS



\$ 16,764.00

5.G. Receipts of Donation

6. **REPORTS**

6.A. Student Representative Report

**Presenter:** Reidun  
Trostad and Lexi  
Stillwell

6.B. Administrative Presentation:

- Strategic Measures Update



# Strategic Measures Update

November 18, 2024

# WACONIA PUBLIC SCHOOLS 2024–2028 Strategic Plan



**WACONIA**  
PUBLIC SCHOOLS ISD 110

## OUR MISSION

ISD 110 maximizes opportunities for all students to **explore their passions and create their success** by committing to a community that includes academic rigor, social growth, and emotional wellbeing.



## OUR VISION

ISD 110 commits to:

- Inspiring students to explore a variety of pathways including academic offerings and extra curricular activities that will allow them to recognize who they are and who they will become.
- Fostering a community with a collective sense of belonging and wellbeing.
- Establishing efficient systems and structures as part of a world-class school district that will create opportunities for staff to engage in innovative teaching and students to experience academic success.

## OUR STRATEGIC DIRECTIONS

### OUR CORE VALUES

#### Respect

We honor and listen to all voices to ensure everyone feels valued.

#### Collaboration

We achieve our common goals through trust, teamwork, and partnership.

#### Inclusiveness

We welcome all and seek multiple perspectives to create one connected community.

#### Empathy

We listen and act with genuine care.

#### Resilience

We empower one another and persevere with courage, determination, and optimism.



### Student Outcomes

- Elementary student performance on MCAs
- Middle school student performance on MCAs
- High school student readiness for post-high school success



### Student & Staff Experience

- Physically and emotionally safe at school
- Recognize & respond to cultural commonalities and differences. Feel welcomed, respected, and heard
- Access to inclusive academic, leadership, service and social experiences



### Systems & Structures

- Management of financial resources
- Proactive planning for and management of facilities
- Monitor & promote student enrollment

Strategic Direction	Description	Measure / Metric	Levels				
			Level 1	Level 2	Level 3	Level 4	Level 5
Delivering high-quality instruction that advances academic excellence	Elementary student performance on MCA	Percentage of 3rd-5th grade students who meet or exceed proficiency in reading	59% or below	60%-64%	65%-69%	70%-74%	75% or higher
		Percentage of 3rd-5th grade students who meet or exceed proficiency in math	59% or below	60%-64%	65%-69%	70%-74%	75% or higher
	Middle school student performance on MCA	Percentage of 6th-8th grade students who meet or exceed proficiency in reading	59% or below	60%-64%	65%-69%	70%-74%	75% or higher
		Percentage of 6th-8th grade students who meet or exceed proficiency in math	59% or below	60%-64%	65%-69%	70%-74%	75% or higher
	High school student readiness for post-high school success	Percent of students meeting 3 out of 4 benchmarks for the ACT	34% or below	35%-39%	40%-44%	45%-49%	50% or higher
		Percent of students taking at least one course designated for higher ed and future careers at WHS	65%-69%	70%-74%	75%-79%	80%-84%	85% or higher
Creating and maintaining an experience where students and staff feel safe and supported, engaged, and belong	Physically and emotionally safe at school.	Students surveyed agree or strongly agree they feel safe and supported	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above
		Staff surveyed agree or strongly agree they feel safe and supported	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above
		Percentage of district safety and emergency plans/drills followed with fidelity	86% & Below	87% - 89%	90% - 93%	94% - 96%	97% & above
	Recognize and respond to cultural commonalities and differences. Feel welcome, respected and heard.	Students and parent/guardians surveyed agree or strongly agree their student feels welcomed, respected, and heard	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above
		Staff surveys agree or strongly agree they feel welcomed, respected, and heard	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above
		Behavior referrals responded to with restorative and non-exclusionary practices	80% & Below	81% - 84%	85% - 88%	89% - 92%	93% & above
	Access to inclusive academic, leadership, service, and social experiences	Students and parent/guardians surveyed agree or strongly agree they are engaged and involved in school	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above
		High school students involved in academic, leadership, service, social, fine arts, and athletic clubs or activities	67% & Below	68% - 72%	73% - 77%	78% - 84%	85% & above
		Staff surveyed agree or strongly agree they are engaged and productive in their position	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above
Establishing efficient, effective, and sustainable systems and structures to support the fulfillment of district vision	Management of financial resources	Unassigned fund balance at fiscal year-end	Less than -2%	-1.9% to 2.0%	2.1% to 5%	5.1% to 8%	Greater than 8%
		Findings from the annual ISD 110 audit	4 or more	3	2	1	0
	Proactive planning for and management of facilities	Facilities condition survey results indicate clean spaces in buildings (ranking from 1 to 5, 5 being the highest)	1.0 - 1.9	2.0 - 2.9	3.0 - 3.9	4.0 - 4.4	4.5 - 5
	Monitor and promote ISD 110 student enrollment	Net open enrollment for ISD 110	Less than -200	-200 to - 101	-100 to -51	-50 to 0	Greater than 0
% Wildcat Preschool students retained in Kindergarten or Preschool		less than 74%	75% to 79%	80% to 84%	85% to 89%	90% or greater	

# Strategic Measures Presentation

- Where are we? (Most recent metric)
- Where have we been? (Some history or context)
- What steps are we taking now to impact the metric?
- What steps are planned to impact the metric?
- Questions from Board



# Student Outcomes

Delivering high-quality instruction that advances academic excellence

Description	Measurement/Metric	Levels				
Elementary student performance on MCAs	Percentage of 3rd–5th grade students who meet or exceed proficiency in reading	59% or less	60– 64%	65– 69%	70– 74%	75% or more
	Percentage of 3rd–5th grade students who meet or exceed proficiency in math	59% or less	60– 64%	65– 69%	70– 74%	75% or more
Middle School student performance on MCAs	Percentage of 6th–8th grade students who meet or exceed proficiency in reading	59% or less	60– 64%	65– 69%	70– 74%	75% or more
	Percentage of 6rd–8th grade students who meet or exceed proficiency in math	59% or less	60– 64%	65– 69%	70– 74%	75% or more
High School student readiness for post-high school success	Percentage of students who meet three out of four benchmarks for the ACT	34% or less	35– 39%	40– 44%	45– 49%	50% or more
	Percentage of students taking at least one course designated for higher ed and future careers at WHS	64– 69%	70– 74%	75– 79%	80– 84%	85% or more



# Next Steps for Student Outcomes

- Identify data points to determine areas of success and areas of growth at our schools.
- READ Act Professional Development for all PreSchool teachers, K-5 teachers and K-12 Special Ed teachers. In 2025-2026 Secondary ELA teachers will have READ Act Professional Development.
- ELA Standards and Curriculum
  - Adopt and begin implementation of a K-5 evidenced based reading curriculum.
  - Secondary teachers engaged in standards and curriculum review cycle.
- District Literacy Lead in place by August 30, 2025



# Student and Staff Experience

Creating and maintaining an experience where students and staff feel safe and supported, engaged, and belong

Description	Measurement/Metric	Levels				
		80% or below	81-85%	86-90%	91-95%	96% or above
Physically and emotionally safe at school.	Students surveyed agree or strongly agree they feel safe and supported	80% or below	81-85%	86-90%	91-95%	96% or above
	Staff surveyed agree or strongly agree they feel safe and supported	80% or below	81-85%	86-90%	91-95%	96% or above
	Percentage of district safety and emergency plans/drills followed with fidelity	86% or below	87-89%	90-93%	94-96%	97% or above
Recognize and respond to cultural commonalities and differences. Feel welcomed, respected & heard.	Students/parents surveyed agree or strongly agree their student feels welcomed, respected and heard	80% or below	81-85%	86-90%	91-95%	96% or above
	Staff surveyed agree or strongly agree they feel welcomed, respected and heard	80% or below	81-85%	86-90%	91-95%	96% or above
	Behavior referrals responded to with restorative and non-exclusionary practices	80% or below	81-84%	85-88%	89-92%	93% or above
Access to inclusive academic, leadership, service, and social experiences.	Students/parents surveyed agree or strongly agree they are engaged & involved in school	80% or below	81-85%	86-90%	91-95%	96% or above
	High School students involved in academic service, leadership, social, fine arts and athletic activities	67% or below	68-72%	73-77%	78-84%	85% or above
	Staff surveyed agree or strongly agree they are engaged and productive in their position	80% or below	81-85%	86-90%	91-95%	96% or above



# Next Steps for Student and Staff Experience

- Continue monitoring metrics to assess areas of success and areas for growth across the district.
- Maintain SRP (Standard Response Protocol) safety program training and implementation to ensure full adherence to safety protocols.
- Analyze staff survey building data to identify key areas for improving staff satisfaction and engagement.
- Identify and implement evidence-based strategies based on staff survey data to address improvement areas.



# Systems and Structures

Establish efficient, effective, and sustainable systems and structures to support the fulfillment of district vision

Description	Measurement/Metric	Levels				
		Less than -2%	-1.9% to 2.0%	2.1% to 5.0%	5.1% to 8.0%	Greater than 8.0%
Management of financial resources	Unassigned fund balance at fiscal year-end	Less than -2%	-1.9% to 2.0%	2.1% to 5.0%	5.1% to 8.0%	Greater than 8.0%
	Findings from the annual ISD 110 audit	4 or more	3	2	1	0
Proactive planning for and management of facilities	Facilities condition survey results indicate clean spaces in buildings (Ranking from 1 to 5, 5 being highest)	1.0-1.9	2.0-2.9	3.0-3.9	4.0-4.4	4.5-5.0
Monitor and promote ISD 110 student enrollment	Net open enrollment for ISD 110	Less than -200	-200 to -101	-100 to -51	-50 to 0	Greater than 0
	Percentage of Wildcat Preschool students retained in Kindergarten/Preschool	Less than -74%	75% to 79%	80% to 84%	85% to 89%	90% or greater



# Next Steps for Systems and Structures

- Audit will be presented to Board on December 9, 2024.
  - Revised budget and long term modeling
  - Review procedures based on any findings
- Continue to review and manage facilities, long-term planning
- Efforts to market ISD 110
- Possible further expansion of ISD 110 PreK programming at Bayview





# Questions?

Strategic Direction	Description	Measure / Metric	Levels					Fall 2024 Measures
			Level 1	Level 2	Level 3	Level 4	Level 5	
Delivering high-quality instruction that advances academic excellence	Elementary student performance on MCA	Percentage of 3rd-5th grade students who meet or exceed proficiency in reading	59% or below	60%-64%	65%-69%	70%-74%	75% or higher	66.80%
		Percentage of 3rd-5th grade students who meet or exceed proficiency in math	59% or below	60%-64%	65%-69%	70%-74%	75% or higher	74.10%
	Middle school student performance on MCA	Percentage of 6th-8th grade students who meet or exceed proficiency in reading	59% or below	60%-64%	65%-69%	70%-74%	75% or higher	65.10%
		Percentage of 6th-8th grade students who meet or exceed proficiency in math	59% or below	60%-64%	65%-69%	70%-74%	75% or higher	59.60%
	High school student readiness for post-high school success	Percent of students meeting 3 out of 4 benchmarks for the ACT	34% or below	35%-39%	40%-44%	45%-49%	50% or higher	45%
		Percent of students taking at least one course designated for higher ed and future careers at WHS	65%-69%	70%-74%	75%-79%	80%-84%	85% or higher	82.60%
Creating and maintaining an experience where students and staff feel safe and supported, engaged, and belong	Physically and emotionally safe at school.	Students surveyed agree or strongly agree they feel safe and supported	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above	87.65%
		Staff surveyed agree or strongly agree they feel safe and supported	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above	70.34%
		Percentage of district safety and emergency plans/drills followed with fidelity	86% & Below	87% - 89%	90% - 93%	94% - 96%	97% & above	99%
	Recognize and respond to cultural commonalities and differences. Feel welcome, respected and heard.	Students and parent/guardians surveyed agree or strongly agree their student feels welcomed, respected, and heard	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above	89.02%
		Staff surveyed agree or strongly agree they feel welcomed, respected, and heard	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above	60.59%
		Behavior referrals responded to with restorative and non-exclusionary practices	80% & Below	81% - 84%	85% - 88%	89% - 92%	93% & above	89.80%
	Access to inclusive academic, leadership, service, and social experiences	Students and parent/guardians surveyed agree or strongly agree they are engaged and involved in school	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above	88.55%
		High school students involved in academic, leadership, service, social, fine arts, and athletic clubs or activities	67% & Below	68% - 72%	73% - 77%	78% - 84%	85% & above	69.20%
		Staff surveyed agree or strongly agree they are engaged and productive in their position	80% & Below	81% - 85%	86% - 90%	91% - 95%	96% & above	94.49%
Establishing efficient, effective, and sustainable systems and structures to support the fulfillment of district vision	Management of financial resources	Unassigned fund balance at fiscal year-end	Less than -2%	-1.9% to 2.0%	2.1% to 5%	5.1% to 8%	Greater than 8%	TBD
		Findings from the annual ISD 110 audit	4 or more	3	2	1	0	TBD
	Proactive planning for and management of facilities	Facilities condition survey results indicate clean spaces in buildings (ranking from 1 to 5, 5 being the highest)	1.0 - 1.9	2.0 - 2.9	3.0 - 3.9	4.0 - 4.4	4.5 - 5	3.83 Overall Average
	Monitor and promote ISD 110 student enrollment	Net open enrollment for ISD 110	Less than -200	-200 to - 101	-100 to -51	-50 to 0	Greater than 0	-69
% Wildcat Preschool students retained in Kindergarten or Preschool		less than 74%	75% to 79%	80% to 84%	85% to 89%	90% or greater	88.37%	

6.C. Finance Report

**Presenter:** Pam  
Carman, Director of  
Finance & Operations

WACONIA - ISD 110		WACONIA - ISD 110				REVENUE & EXPENDITURE SUMMARY BY SOURCE, OBJECT SERIES & PROGRAM SERIES					October 31, 2024	
<b>REVENUE</b>						October 31, 2024	October 31, 2023	October 31, 2022				
			Adopted Budget	Received YTD	Budget Remaining	% of Budget Received	% of Actuals Received	% of Actuals Received	October 31, 2023	October 31, 2022		
<b>REVENUE CATEGORIES</b>	<b>June 30, 2023</b>	<b>June 30, 2024</b>										
STATE	40,808,107	43,525,335	43,868,049	13,143,583	30,724,466	30.0%	18.7%	18.6%	8,134,841	7,609,890		
FEDERAL	1,312,610	1,255,094	804,000	-	804,000	0.0%	6.3%	1.4%	79,175	18,133		
PROPERTY TAXES	9,562,770	10,257,822	10,364,532	2,474,650	7,889,882	23.9%	23.4%	34.1%	2,399,344	3,260,606		
LOCAL (FEES, INTEREST, ETC.)	1,401,557	1,702,471	1,396,025	441,840	954,185	31.6%	13.8%	8.0%	234,923	111,481		
<b>TOTALS</b>	<b>53,085,044</b>	<b>56,740,722</b>	<b>56,432,606</b>	<b>16,060,073</b>	<b>40,372,533</b>	<b>28.5%</b>	<b>19.1%</b>	<b>20.7%</b>	<b>10,848,283</b>	<b>11,000,110</b>		
<b>EXPENDITURES</b>						October 31, 2024	October 31, 2023	October 31, 2022				
			Adopted Budget	Expended YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended	% of Actuals Expended	October 31, 2023	October 31, 2022		
<b>OBJECT SERIES</b>	<b>June 30, 2023</b>	<b>June 30, 2024</b>										
SALARIES & WAGES	30,105,275	27,539,445	30,579,805	5,763,625	24,816,180	18.8%	20.5%	20.7%	5,650,567	6,238,213		
EMPLOYEE BENEFITS	11,428,690	10,431,339	11,816,186	2,526,999	9,289,187	21.4%	21.2%	21.9%	2,209,512	2,505,210		
PURCHASED SERVICES	7,021,355	7,607,117	8,159,259	1,899,918	6,259,341	23.3%	19.5%	21.2%	1,480,844	1,486,130		
SUPPLIES	2,109,245	1,724,894	1,712,115	344,772	1,367,343	20.1%	20.3%	35.7%	350,021	753,557		
EQUIPMENT	1,070,691	904,658	1,332,477	611,987	720,490	45.9%	42.8%	44.2%	387,286	472,801		
DEBT SERVICE	130,312	83,267	83,287	83,267	20	100.0%	100.0%	63.9%	83,267	83,267		
OTHER EXPENDITURES	360,341	376,003	393,144	103,845	289,299	26.4%	22.3%	24.9%	83,919	89,819		
<b>TOTALS</b>	<b>52,225,908</b>	<b>48,666,722</b>	<b>54,076,273</b>	<b>11,334,413</b>	<b>42,741,860</b>	<b>21.0%</b>	<b>21.1%</b>	<b>22.3%</b>	<b>10,245,415</b>	<b>11,628,996</b>		
<b>PROGRAM SERIES</b>						October 31, 2024	October 31, 2023	October 31, 2022				
			Adopted Budget	Expended YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended	% of Actuals Expended	October 31, 2023	October 31, 2022		
<b>PROGRAM SERIES</b>	<b>June 30, 2023</b>	<b>June 30, 2024</b>										
SITE ADMINISTRATION	1,059,746	1,009,465	1,265,732	335,530	930,202	26.5%	34.8%	33.3%	351,090	352,525		
DISTRICT ADMINISTRATION	445,097	479,268	490,183	161,089	329,094	32.9%	33.5%	33.3%	160,633	148,382		
SUPPORT SERVICES	1,914,925	1,696,730	2,109,042	644,403	1,464,639	30.6%	34.3%	33.4%	581,235	639,385		
REGULAR INSTRUCTION	21,776,013	19,683,539	21,693,317	3,836,867	17,856,450	17.7%	18.6%	19.4%	3,658,093	4,235,315		
EXTRA-CURRICULAR ACTIVITES	2,010,489	1,970,761	2,122,036	(18,323)	2,140,359	-0.9%	-2.8%	0.5%	(55,243)	10,714		
VOCATIONAL INSTRUCTION	564,801	536,073	550,798	96,535	454,263	17.5%	14.9%	13.3%	80,068	74,844		
SPECIAL EDUCATION	10,796,201	10,567,638	11,685,564	2,061,761	9,623,803	17.6%	19.1%	19.3%	2,019,428	2,084,049		
INSTRUCTIONAL SUPPORT	3,478,924	2,470,971	2,860,994	955,405	1,905,589	33.4%	36.4%	34.3%	899,856	1,192,330		
PUPIL SUPPORT SERVICES	4,469,513	4,958,436	5,475,650	845,133	4,630,517	15.4%	14.6%	19.7%	721,828	882,202		
FACILITIES	5,322,155	4,814,514	5,317,957	1,716,789	3,601,168	32.3%	28.7%	30.7%	1,382,051	1,633,764		
OTHER FINANCING USES	388,044	479,327	505,000	699,223	(194,223)	138.5%	93.1%	96.8%	446,376	375,486		
<b>TOTALS</b>	<b>52,225,908</b>	<b>48,666,722</b>	<b>54,076,273</b>	<b>11,334,413</b>	<b>42,741,860</b>	<b>21.0%</b>	<b>21.1%</b>	<b>22.3%</b>	<b>10,245,415</b>	<b>11,628,996</b>		

<b>WACONIA - ISD 110</b>	<b>WACONIA - ISD 110</b>	<b>REVENUE &amp; EXPENDITURE SUMMARY BY SOURCE, OBJECT SERIES &amp; PROGRAM SERIES</b>	<b>October 31, 2024</b>
--------------------------	--------------------------	--	-------------------------

<b>ACTIVITY - OTHER FUNDS</b>						<b>October 31, 2024</b>	<b>October 31, 2023</b>	<b>October 31, 2022</b>		
	<b>June 30, 2023</b>	<b>June 30, 2024</b>	<b>Adopted Budget</b>	<b>Received YTD</b>	<b>Budget Remaining</b>	<b>% of Budget Received</b>	<b>% of Actuals Received</b>	<b>% of Actuals Received</b>	<b>October 31, 2023</b>	<b>October 31, 2022</b>
<b>REVENUE</b>										
FOOD SERVICE	2,728,664	3,388,847	3,475,575	17,053	3,458,522	0.5%	0.3%	0.4%	10,183	10,131
COMMUNITY EDUCATION	3,763,349	4,221,222	4,015,267	1,085,498	2,929,769	27.0%	38.0%	41.7%	1,605,278	1,568,410
CONSTRUCTION	-	6,158,103	10,839,500	24,108	10,815,392	0.2%	0.0%	#DIV/0!	-	-
DEBT SERVICE	9,841,168	9,557,211	9,376,864	2,584,891	6,791,973	27.6%	27.9%	18.9%	2,667,151	1,860,406
INTERNAL SERVICE - DENTAL INS.	463,096	462,019	475,000	128,898	346,102	27.1%	31.6%	31.1%	145,813	143,862
OPEB - IRREVOCABLE TRUST	142,446	107,405	100,000	27,729	72,271	27.7%	-8.0%	12.9%	(8,627)	18,380
OPEB DEBT SERVICE	-	-	-	-	-	0.0%	#DIV/0!	#DIV/0!	-	(28)
						<b>October 31, 2024</b>	<b>October 31, 2023</b>	<b>October 31, 2022</b>		
	<b>June 30, 2023</b>	<b>June 30, 2024</b>	<b>Adopted Budget</b>	<b>Expended YTD</b>	<b>Budget Remaining</b>	<b>% of Budget Received</b>	<b>% of Actuals Received</b>	<b>% of Actuals Received</b>	<b>October 31, 2023</b>	<b>October 31, 2022</b>
<b>EXPENDITURES</b>										
FOOD SERVICE	3,413,744	3,472,583	3,597,627	713,929	2,883,698	19.8%	20.3%	24.2%	706,153	827,258
COMMUNITY EDUCATION	3,151,216	3,902,578	3,787,078	1,324,060	2,463,018	35.0%	28.6%	30.4%	1,114,462	956,909
CONSTRUCTION	-	2,061,110	15,239,314	387,237	14,852,077	2.5%	0.0%	#DIV/0!	-	-
DEBT SERVICE	9,413,981	9,396,831	9,328,000	1,619,926	7,708,074	17.4%	17.6%	18.8%	1,653,391	1,766,728
INTERNAL SERVICE - DENTAL INS.	585,297	441,105	485,000	150,604	334,396	31.1%	31.4%	6.8%	138,409	39,894
OPEB - IRREVOCABLE TRUST	357,869	302,610	300,000	753	299,247	0.3%	0.2%	0.1%	639	418
OPEB DEBT SERVICE	-	-	-	-	-	0.0%	#DIV/0!	#DIV/0!	-	-
						<b>October 31, 2024</b>	<b>October 31, 2023</b>	<b>October 31, 2022</b>		
	<b>June 30, 2023</b>	<b>June 30, 2024</b>	<b>Adopted Budget</b>	<b>Expended YTD</b>	<b>Budget Remaining</b>	<b>% of Budget Received</b>	<b>% of Actuals Received</b>	<b>% of Actuals Received</b>	<b>October 31, 2023</b>	<b>October 31, 2022</b>
<b>SUMMARY - ALL FUNDS</b>										
<b>SUMMARY</b>										
REVENUE	70,029,710	80,646,780	84,719,812	19,928,250	64,791,562	23.5%	18.9%	20.9%	15,268,082	14,601,271
EXPENDITURES	69,144,514	68,248,041	86,818,292	15,530,922	71,287,370	17.9%	20.3%	22.0%	13,858,467	15,220,205
SPENDING VARIANCE	885,196	12,398,739	(2,098,480)	4,397,327	N/A	N/A	N/A	N/A	1,409,615	(618,934)

7. **ACTION ITEMS**

7.A. Superintendent Contract

**Presenter:** Member  
DeBoer

## SUPERINTENDENT EMPLOYMENT CONTRACT

Pursuant to Minnesota Statutes section 123B.143, the School Board of Independent School District No. 110 (“School Board” or “District”) enters into this Employment Contract (“Contract”) with Brian Gersich (“Gersich”). In consideration of the mutual promises contained in this Contract and other valuable consideration, the sufficiency of which is acknowledged, the District and Gersich agree as follows:

### ARTICLE I DURATION AND TERMINATION

**Section 1: Duration.** This Contract has a three-year term that begins on July 1, 202~~25~~<sup>25</sup>, and ends on June 30, 202~~58~~<sup>58</sup>. During the stated term, this Contract will remain in full force and effect unless: (a) it is modified by mutual written consent of the School Board and Gersich; (b) the School Board discharges Gersich in accordance with this Contract; or (c) Gersich terminates the Contract by providing one hundred and twenty (120) days advance notice.

**Section 2: Expiration.** This Contract will automatically expire on June 30, 202~~58~~<sup>58</sup>. When this Contract expires, the District’s employment of Gersich will automatically end, unless the District and Gersich enter into a subsequent, written employment Contract in accordance with Minnesota Statutes section 123B.143 or its successor.

**Section 3: Termination During the Term.** During the term of this Contract, the District may discharge Gersich and thereby terminate this Contract based on any of the grounds stated in Minnesota Statutes section 122A.40, subdivisions 9 or 13. If the School Board votes to discharge Gersich from employment during the term of this Contract, the Board must give Gersich written notice of the grounds for discharge. Gersich is entitled to a hearing before an arbitrator to challenge whether the asserted grounds for discharge exist. To exercise this right, Gersich or his representative must mail, email, or hand-deliver a written request for arbitration to the School Board Chair within ten (10) calendar days after receiving written notice of the grounds for discharge. If Gersich makes a timely request for a hearing, the parties may attempt to mutually agree on an arbitrator. If the parties do not mutually agree on an arbitrator within five calendar days, the District may petition the Minnesota Bureau of Mediation Services (“BMS”) for a list of five arbitrators. Within ten calendar days after receiving the list, the parties (or their representatives) will select an arbitrator from the list by using an alternating striking process. The arbitrator must conduct a hearing and issue a written decision within forty-five (45) calendar days after being selected by the parties, unless the parties agree to extend the timeline. The arbitrator’s decision will be final and binding upon the parties, subject to judicial review of arbitration decisions as provided by law. If Gersich (or his representative) fails to mail, email, or hand-deliver a written request for arbitration to the School Board Chair within ten calendar days, Gersich will be deemed to have acquiesced to the discharge, and Gersich will have no further right to challenge the discharge or to bring a claim against the District.

**Section 4: Mutual Consent.** This Contract may be terminated at any time by the mutual consent of the School Board and Gersich.

**Section 5: Limited Application of Section 122A.40.** By operation of law, Minnesota Statutes section 122A.40, subdivisions 3 and 19 apply to Gersich's employment with the District. Except as explicitly provided under the law or in this Contract, the other provisions of Minnesota Statutes section 122A.40 do not apply to the District's employment of Gersich or to this Contract. Gersich does not have any continuing Contract rights under Minnesota Statutes section 122A.40.

## **ARTICLE II RESPONSIBILITIES**

**Section 1: Licensure.** Throughout the term of this Contract, Gersich must hold a valid and appropriate license to work as a superintendent in the State of Minnesota. Gersich must provide a copy of his superintendent's license to the District's Director of Human Resources before the start of each duty year this Contract is in effect.

**Section 2: Compliance with Laws and Policies.** Gersich must comply with all applicable federal and state laws. Gersich must comply with all rules, regulations, and policies of the School Board and the State of Minnesota, including those rules, regulations, and policies that currently exist and any that are established or amended during the term of this Contract.

**Section 3: Assigned Duties.** Gersich must faithfully perform all services that the School Board prescribes or assigns to Gersich, regardless of whether those services are specifically described in this Contract or in a general job description. At any time during the term of this Contract, the School Board may place Gersich on paid administrative leave. Regular and prompt attendance is an essential function of Gersich's job.

**Section 4: Basic Duties.** Gersich will have charge of the administration of the schools under the direction of the School Board. Toward that end, Gersich will perform the following functions: serve as the chief executive officer of the District; direct and assign teachers and other District employees under Gersich's supervision; organize, reorganize and arrange the administrative and supervisory staff, including instruction and business affairs, as best serves the District, but subject to the approval of the School Board; select all personnel subject to the approval of the School Board; recommend policies, regulations, rules and procedures that are necessary for the District; visit and supervise the schools in the District; report and make recommendations about the condition of the schools in the District when advisable or at the Board's request; to the extent required by law, annually evaluate each school principal assigned responsibility for supervising a school building in the District; superintend school grading practices and examinations for promotions; make reports that are required by the Commissioner of the Minnesota Department of Education; and perform all duties incident to the office of Gersich. Gersich will serve as an ex-officio member of the School Board and all School Board committees, and will provide administrative recommendations on each item of business considered by each of these groups.

## ARTICLE III COMPENSATION

**Section 1: Salary.** The District will pay Gersich a gross annual salary of ~~one hundred ninety-eight thousand dollars and zero cents (\$198,000.00)~~ during the 2025-2026 school year. The District will pay Gersich a gross annual salary of ~~two hundred one thousand nine hundred sixty dollars and zero cents (\$201,960.00)~~ during the 2026-2027 school year. The District will pay Gersich a gross annual salary of ~~two hundred eight thousand nineteen dollars and zero cents (\$208,019.00)~~ for 2027-2028. The annual salary may be modified, but may not be reduced during the term of this Contract. The School District will pay the gross annual salary in twenty-four (24) roughly equal installments, less applicable withholdings and deductions, in accordance with the School District's regular payroll schedule.

**Section 2: TSA Matching Payments.** Gersich is eligible to participate in a tax-sheltered annuity plan through payroll deduction pursuant to Section 403(b) of the Internal Revenue Code and Minnesota law. To the extent permitted by law, the District will match Gersich's contributions to a qualifying Section 403(b) plan on a dollar-for-dollar basis, up to a maximum of ~~five thousand dollars and zero cents~~ ~~five thousand two hundred and fifty dollars and zero cents (\$5,000 \$5,250)~~ ~~at the end of~~ annually for each school year covered by this contract. ~~The payments will be distributed throughout the 24 payroll cycles.~~ Once the District has made a matching payment to the qualifying 403(b) plan, the matching payment will become the property of Gersich. ~~However, if Gersich terminates this Contract with an effective date that is before June 30 of any school year, the District will not be required to provide any additional matching payments after receiving notice of Gersich's intent to terminate. Similarly, if the District decides to discharge Gersich, the District will not be required to make any matching payment for that school year if Gersich acquiesces to the discharge or an arbitrator upholds the discharge.~~

**Section 3: Responsibility for TSA Compliance.** Gersich and the annuity companies involved are solely responsible for ensuring that the tax sheltered annuity ("TSA") complies with Section 403(b) of the Internal Revenue Code, as amended, and Minnesota law. Gersich hereby waives any right that he might otherwise have to bring a claim against the District for any issue related to whether the TSA complies with Section 403(b) of the Internal Revenue Code, as amended, and Minnesota law. Gersich also waives any right that he might otherwise have to demand direct payment to him of the amount that he identifies for contribution to the TSA or to assert that any District payment caused him to exceed his maximum contribution to the 403(b) plan. The District's only obligation under Article III, Section 4 is to make the specified contributions to the TSA.

**Section 4: Health Reimbursement Account (HRA).** Each contract year, the School District will contribute to an individual Health Reimbursement Account (HRA) on behalf of Gersich in accordance with the table below. Gersich’s prior years of service within the District will be recognized.

- Years 0–3      \$0
- Years 4–6      \$3000
- Years 7–10    \$4500
- Years 11–19   \$5800
- Years 20+     \$6500

**ARTICLE IV  
DUTY YEAR AND LEAVES OF ABSENCE**

**Section 1: Basic Work Year.** The position of superintendent has exempt status under the Fair Labor Standards Act. Gersich’s duty year will correspond to the school year and will be from July 1 to June 30. Gersich must work full-time during the duty year, less vacation, paid holidays, and sick leave used during the duty year, including those legal holidays on which the School Board is authorized to conduct school if the School Board so determines. Gersich must be on duty during any emergency, natural or unnatural, unless otherwise excused in accordance with School Board administrative policy.

**Section 2: Vacation.** Gersich will earn ~~twenty-seven (27) days of paid vacation for each year that he works under this Contract (July 1 to June 30). vacation at the rate of 2.08 2.25 days for each month that he works under this Contract such that he earns a total of twenty-five seven (257) days of paid vacation during each school year (July 1 to June 30) that he works under this Contract.~~ The District will front load ~~the ten the twenty-seven (1027) days of the twenty-five (25) days~~ on July 1st for each ~~for the 2023-2023 each~~ school year, so that they are ~~that the ten (10) days are~~ immediately available for Gersich’s use. Gersich must obtain prior approval from the School Board Chair before taking more than ten (10) consecutive days of paid vacation, unless the vacation days are being utilized for a leave taken pursuant to the Family Medical Leave Act (“FMLA”). ~~If Gersich were to terminate his employment during the fiscal year, he shall receive payment for any vacation time earned but not used. If Gerisch uses more vacation time than earned, that time would be deducted at a daily rate of pay from his final paycheck.~~ Gersich must take vacation days during the school year in which they were earned, or within six (6) months after the school year in which they were earned. To the extent permitted by law, at the end of each calendar year, Gersich may ask the School Board to contribute the value of up to ~~five six (56) days of unused vacation to a TSA 403(b) Plan, provided that the contribution does not exceed the applicable limitations on contributions imposed by the Internal Revenue Code or Minnesota law. The value of one unused vacation day (i.e. the daily rate of pay) will be the equivalent of Gersich’s gross annual salary divided by 260. Gersich will forfeit any additional vacation days that are not taken within six (6) months after the contract year in which they were earned or that are not converted to a 403(b) contribution as permitted under this paragraph.~~

**Section 3: Paid Holidays.** Gersich will be paid for twelve holidays each duty year covered by this Contract. Unless otherwise designated by the School Board, the paid holidays will be New Year's Day, Martin Luther King Jr. Day, Presidents' Day, ~~Good Friday Juneteenth~~, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day After Thanksgiving, ~~Day Before Christmas December 24th~~, ~~Christmas Day December 25th~~, and the Day Before New Year's Day. When a holiday occurs on a Saturday, the preceding Friday will be observed. When a holiday occurs on a Sunday, the following Monday will be observed. When a holiday occurs on a day when school is in session, an alternate holiday will be designated by the District.

**Section 4: Accrual of Sick Leave.** Gersich will earn sick leave at the rate of 1.25 days for each month that he works under this Contract such that he earns a total of fifteen (15) days for each school year that he works under this Contract. The District will front load ~~twelve ten~~ (10) of the fifteen (15) days on July 1st for ~~each the 2022-2023~~ school year so that ten (10) days are immediately available for Gersich's use. ~~Gersich may accumulate up to a maximum of forty five (45)~~ **one hundred and twenty (120)** days of paid sick leave during the terms and tenure as **Superintendent of Schools**. Gersich may use paid sick leave for any illness, injury, or health condition that prevents him from performing his job duties. In addition, Gersich may use paid sick leave for any reason that is explicitly permitted by law or by another provision of this Contract. Upon ending his employment with the District for any reason, Gersich is not entitled to payment for any unused days of sick leave.

**Section 5: Emergency Leave.** In addition to other types of leave specified in this Contract, Gersich may be granted paid emergency leave at the discretion of the School Board.

**Section 6: Jury Duty.** If Gersich serves on jury duty during the term of this Contract, he will receive full pay from the District, without deduction from accumulated vacation or sick leave, provided that he submits to the District any compensation he receives from being called to sit as a juror, not including expense reimbursement.

**Section 7: Bereavement Leave.** Gersich may take up to five (5) days of bereavement leave, without loss of pay, for each death in Gersich's immediate family. For purposes of this Contract, the term "immediate family" means the spouse, child, parent, grandparent, grandchild, sibling, mother-in-law, father-in-law, daughter-in-law, and son-in-law. Days utilized for bereavement leave will not be deducted from Gersich's accumulated sick leave. Upon ending his employment with the District for any reason, Gersich is not entitled to payment for any unused days of bereavement leave.

**Section 8: Workers' Compensation Differential.** In accordance with Minnesota Statutes Chapter 176, if Gersich is injured while performing duties for the District and qualifies for workers' compensation benefits, he may draw from his accumulated sick leave in order to make up the difference between his regular salary and the workers' compensation insurance payments he receives during the term of this Contract. Gersich's accumulated sick leave will be reduced in proportion to the amount of compensation paid pursuant to this Section. This Section of the Contract will immediately cease to apply once Gersich exhausts his accumulated sick leave.

**Section 9: Disability Leave.** If Gersich is unable to perform his regular duties because of a long-term disability, has exhausted all accumulated sick leave and vacation, and has applied for long-term disability, the District will pay Gersich two-thirds of his regular salary for up to ninety calendar days or until the expiration of the waiting period for long-term disability insurance, whichever occurs first.

## **ARTICLE V INSURANCE**

**Section 1: Health and Hospitalization.** The District will select and make one or more group health and hospitalization insurance plans available to Gersich. The District will pay the full amount of the monthly premiums for family coverage while this Contract is in effect. The District will immediately stop making monthly premium contributions when this Contract is terminated or the term of this Contract expires, whichever occurs first. In the event this Contract will cause or does cause penalties, fees, or fines to be assessed against the District, the parties agree to reopen negotiations that result in a revised Contract between the parties that eliminates or reduces penalties, fees, or fines to be assessed against the District. The amount of any reduction in the District's contribution toward Gersich's group health insurance premiums as a result of addressing the "highly compensated employee" component of the Affordable Care Act will be placed into another District provided benefit(s) (such as an HRA or salary) as agreed upon between the parties.

**Section 2: Dental.** The District will select and offer one or more dental plans to Gersich. The District will pay the full amount of the monthly premium for family coverage. The District will immediately stop making monthly premium contributions when the term of this Contract expires or the Contract is terminated, whichever occurs first.

**Section 3: Life Insurance.** During the term of this Contract, the District will pay the full amount of the monthly premium for a group term-life insurance policy for Gersich with a death benefit in the amount of four hundred thousand dollars and zero cents (\$400,000.00). The death benefit will be payable to Gersich's named beneficiary. The District will immediately stop making the monthly premium contributions when the term of this Contract expires or the Contract is terminated, whichever occurs first.

**Section 4: Long Term Disability Insurance.** The District will pay the full amount of the monthly premium for a long-term disability ("LTD") insurance plan for Gersich while he is an employee of the District. The District will select the LTD insurance carrier and plan.

**Section 5: Claims Against the District.** The District is not promising or guaranteeing that any particular claim will be paid or covered by any type of insurance. The District's only obligation is to select an insurance plan and make the premium contributions that are described in this Contract. The eligibility and coverage of Gersich and any dependents will be governed entirely by the terms of the applicable insurance policy. No claim may be made against the District as a result of denial of insurance benefits by an insurer if the District has purchased the policies and paid the premiums described in this Article. Subject to any applicable requirements of federal or

state law, the District's obligation to make any contribution toward the cost of any premium will cease immediately upon termination of this Contract.

## **ARTICLE VI PROFESSIONAL GROWTH AND REIMBURSEMENT**

**Section 1: Professional Growth Conferences and Meetings.** The School Board recognizes the importance of having Gersich attend and participate in conferences and meetings for professional growth. Accordingly, Gersich is encouraged and expected to attend appropriate professional meetings at the local, state, and national level. The District will pay, or reimburse Gersich for, all valid, reasonable, and necessary expenses associated with Gersich's travel to and attendance at such conferences and meetings whenever his attendance is required, directed, or permitted by the School Board. Gersich must periodically report to the School Board about the meetings and conferences he has attended. To receive reimbursement for expenses, Gersich must file itemized expense statements in compliance with School Board policy and law. Notwithstanding any other provision in this Contract, the Board in its sole discretion may limit the number and type of conferences and conventions Gersich may attend. Such a limit will not take effect until written notice of the limit is provided to Gersich.

**Section 2: Dues.** Gersich is encouraged to belong to and participate in appropriate professional, educational and civic organizations when such membership will serve the best interests of the District. The District will pay the professional dues to the American Association of School Administrators, Minnesota Association of School Administrators, and another organization of Gersich's choice. In addition, the District will pay the dues for Gersich to be a member of civic organizations and service organizations that are mutually agreed upon by Gersich and the School Board Chair. Gersich must present appropriate statements for approval as provided by law.

**Section 3: Automobile Allowance.** The School Board expects Gersich to be visible in the District's schools and recognizes that Gersich must regularly use his personal vehicle to travel for District business. Accordingly, pursuant to Minnesota Statutes section 471.665, subdivision 3, the District will pay Gersich a monthly automobile allowance in the amount of four hundred dollars and zero cents (\$400.00), less any applicable withholdings and deductions. Because he receives an automobile allowance, Gersich may not submit any claim for mileage reimbursement.

## **ARTICLE VII MISCELLANEOUS**

**Section 1: Outside Activities.** Although Gersich must devote full time and due diligence to the affairs and the activities of the District, he may serve as a consultant to other Districts or educational agencies, lecture, engage in writing and speaking activities, and engage in other activities if, as solely determined by the School Board, such activities do not impede Gersich's ability to perform his duties for the District. Gersich may not engage in other employment, consultant service, or other activity for which a salary, fee, or honorarium is paid without the prior approval of either the School Board Chair or the School Board.

**Section 2: Indemnification and Provision of Counsel.** In the event that an action is brought or a claim is made against Gersich arising out of or in connection with his employment and he is acting within the scope of employment or official duties, the District will defend and indemnify Gersich to the extent required by law. Indemnification, as provided in this Section, will not apply in the case of malfeasance in office or willful or wanton neglect of duty, or in a situation where the District takes action against Gersich, including action to terminate this Contract. In addition, the District’s obligation to defend and indemnify Gersich is subject to the limitations stated in Minnesota Statutes Chapter 466 and the case law interpreting that statute.

**Section 3: Mandatory Disclosure.** Before entering into this Contract, Gersich must disclose, in writing, the existence and terms of any buyout Contract, including amounts and the purpose for the payments, relating to his Contract with another school board. For purposes of this Contract, a “buyout Contract” is any Contract under which Gersich was employed as a superintendent; left before the term of the Contract was over; and received a sum of money, something else of value, or the right to something of value for some purpose other than performing the services of a superintendent. The failure to make such a disclosure will render this Contract void as a matter of law.

**Section 4: Severability.** If a court of law determines that any provision of this Contract is invalid or unenforceable by operation of law, the remainder of the Contract will remain in full force and effect, unless the overall purpose of the Contract would be frustrated.

**Section 5: Entire Contract.** This Contract, including the attached Addendum, reflects the entire Contract between the parties relating to the District’s employment of Gersich. Neither party has relied upon any statements or promises that are not set forth in this Contract. This Contract supersedes any and all prior agreements between the parties and any inconsistent provisions in any employee handbook or District policy. Gersich understands and agrees that any handbooks, manuals, or policies adopted by the District do not create an express or implied Contract between the District and Gersich. No waiver or modification of any provision of this Contract will be valid unless it is in writing and signed by both parties.

IN WITNESS WHEREOF, the parties have voluntarily entered into this Contract on the dates shown below. This Contract will not become effective unless and until it is approved by the District’s School Board and signed by both parties.

**SUPERINTENDENT**

\_\_\_\_\_  
Brian Gersich

\_\_\_\_\_  
Date

**SCHOOL BOARD OF INDEPENDENT SCHOOL DISTRICT NO. 110**

\_\_\_\_\_  
Dana Geller, School Board Chair

\_\_\_\_\_  
Date

---

Luke DeBoer, School Board Clerk

---

Date

7.B. Second Read Board Policies

7.B.1. 405 Veteran's Preference

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

## **405 VETERAN'S PREFERENCE**

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

### **I. PURPOSE**

The purpose of this policy is to comply with the Minnesota Veterans Preference Act (VPA) which provides preference points for veterans applying for employment with political subdivisions, including school districts, as well as additional rights for veterans in the discharge process.

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

A. The school district's policy is to comply with the VPA regarding veteran's preference rights and mandated preference points to veterans and spouses of deceased veterans or disabled veterans.

B. The school district's policy is also to comply with the VPA requirement that no covered veteran may be removed from public employment except for incompetency or misconduct shown after a hearing upon due notice, upon stated charges, and in writing. This paragraph does not apply to the position of teacher.

C. Veteran's preference points will be applied pursuant to applicable law as follows:

1. A credit of ten points shall be added to the competitive open examination rating of a non-disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.

2. A credit of fifteen points shall be added to the competitive open examination rating of a disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.

3. A credit of five points shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, provided that (a) the veteran obtained a passing rating on the examination without the addition of the credit points and (b) the veteran is applying for a first promotion after securing public employment.

4. A preference may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.

D. Eligibility for and application of veteran's preference, the definition of a veteran, and the definition of a disabled veteran for purposes of this policy will be pursuant to the VPA.

E. When notifying applicants that they have been accepted into the selection process, the school district shall notify applicants that they may elect to use veteran's preference.

F. If a 100-point hiring system is not used for filling a teaching position, preference points will not be added, but all eligible veteran applicants who have proper licensure and qualifications for the teaching position will be granted an interview for the position.

G. If the school district rejects a member of the finalist pool who has properly claimed veteran's preference, the school district shall notify the finalist in writing of the reasons for the rejection and file the notice with the school district's personnel officer.

**[Note: A school district may require a veteran to complete an initial hiring probationary period as defined in Minn. Stat. § 43A.16.]**

H. In accordance with the VPA, no honorably discharged veteran shall be removed from a position of employment except for incompetency, misconduct, or good faith abolishment of position.

1. Incompetency or misconduct must be shown after a hearing, upon due notice, upon stated charges, in writing.

2. A veteran must irrevocably elect to be governed either by the VPA or by arbitration provisions set forth in a collective bargaining agreement in the event of a discharge.

I. The VPA and the provisions of this policy do not apply to the position of private secretary, superintendent, head of a department, or any person holding a strictly confidential relation to the school board or school district. The VPA and the provisions of this policy apply to teachers only with respect to the hiring process, as set forth in Paragraph F., above.

**Legal References:** Minn. Stat. § 43A.11 (Veteran's Preference)  
Minn. Stat. § 197.455 (Veteran's Preference Applied)  
Minn. Stat. § 197.46 (Veterans Preference Act)  
*Hall v. City of Champlin*, 463 N.W.2d 502 (Minn. 1990)  
*Young v. City of Duluth*, 410 N.W.2d 27 (Minn. Ct. App. 1987)

**Cross References:** MSBA/MASA Model Policy 401 (Equal Employment Opportunity)

Original Policy Adopted: May 11, 1998

Amended: February 11, 2002 / March 10, 2008 / April 2011/ October 2017/ December 2018/June 2021

Independent School District No. 110

Waconia, MN 55387

7.B.2. 406 Public and Private Personnel Data

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

## 406 PUBLIC AND PRIVATE PERSONNEL DATA

*[Note: The provisions of this policy accurately reflect the Minnesota Government Data Practices Act and are not discretionary in nature.]*

### I. PURPOSE

The purpose of this policy is to provide guidance to school district employees as to the data the school district collects and maintains regarding its employees, volunteers, independent contractors, and applicants (“personnel”).

### II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained, or disseminated by the school district, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school district.
- B. All other data on individuals is private or confidential.

### III. DEFINITIONS

- A. “Public” means that the data is available to anyone who requests it.
- B. “Private” means the data is not public and is accessible only to the following: the subject of the data, as limited by any applicable state or federal law; individuals within the school district whose work assignments reasonably require access; entities and agencies as determined by the responsible authority who are authorized by law to gain access to that specific data; and entities or individuals given access by the express written direction of the data subject.
- C. “Confidential” means the data are not public and are not accessible to the subject.
- D. “Parking space leasing data” means the following government data on an applicant for, or lessee of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.
- E. “Personnel data” means government data on individuals maintained because they are or were employees, applicants for employment, volunteers or independent contractors for the school district. Personnel data include data submitted by an employee to the school district as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or to improve school district operations.
- F. “Finalist” means an individual who is selected to be interviewed by the school board for a position.
- G. “Protected health information” means individually identifiable health information

as defined in 45 C.F.R. § 160.103, that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium by a health care provider, in connection with a transaction covered by 45 C.F.R. Parts 160, 162 and 164. “Protected health information” excludes individually identifiable health information in education records covered by the Family Educational Rights and Privacy Act, employment records held by a school district in its role as employer; and records regarding a person who has been deceased for more than fifty (50) years..

- H. “Public officials” means business managers; human resource directors; athletic directors whose duties include at least fifty (50) percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals and in a charter school, individuals employed in comparable positions.

#### **IV. PUBLIC PERSONNEL DATA**

- A. The following information on current and former employees, volunteers and independent contractors of the school district, is public:
1. name;
  2. employee identification number, which may not be the employee’s Social Security number;
  3. actual gross salary;
  4. salary range;
  5. terms and conditions of employment relationship;
  6. contract fees;
  7. actual gross pension;
  8. the value and nature of employer-paid fringe benefits;
  9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
  10. job title;
  11. bargaining unit;
  12. job description;
  13. education and training background;

14. previous work experience;
15. date of first and last employment;
16. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
17. the final disposition of any disciplinary action, as defined in Minnesota Statutes, section 13.43, subdivision. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district;
18. the complete terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
19. work location;
20. work telephone number;
21. badge number;
22. work-related continuing education;
23. honors and awards received; and
24. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

B. The following information on current and former applicants for employment by the school district is public:

1. veteran status;
2. relevant test scores;
3. rank on eligible list;
4. job history;

5. education and training; and
  6. work availability.
- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the school board to be finalists for public employment.
- D. Applicants for appointment to a public body.
1. Data about applicants for appointment to a public body collected by the school district as a result of the applicant's application for employment are private data on individuals except that the following are public:
    - a. name;
    - b. city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
    - c. education and training;
    - d. employment history;
    - e. volunteer work;
    - f. awards and honors;
    - g. prior government service;
    - h. any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minnesota Statutes, section 15.0597; and
    - i. veteran status.
  2. Once an individual is appointed to a public body, the following additional items of data are public:
    - a. residential address;
    - b. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
    - c. first and last dates of service on the public body;
    - d. the existence and status of any complaints or charges against an appointee; and

- e. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.
- 3. Notwithstanding paragraph 2., any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.
- E. Regardless of whether there has been a final disposition as defined in Minnesota Statutes, section 13.43, subdivision 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minnesota Statutes, section 13.43, subdivision 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. Data relating to a complaint or charge against a public official is public only if:
  - 1. the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
  - 2. potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement

Data that is classified as private under another law is not made public by this provision.

## **V. PRIVATE PERSONNEL DATA**

- A. All other personnel data not listed in Section IV are private data will not be otherwise released unless authorized by law.
- B. Data pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected, or maintained by the school district to administer employee assistance programs are private.
- D. Parking space leasing data with regard to data on individuals are private.
- E. An individual's checking account number is private when submitted to a government entity.
- F. Personnel data may be disseminated to labor organizations to the extent the responsible authority determines is the dissemination is necessary for the labor organization to conduct elections, notify employees of fair share fee assessments and implement the provisions of Minnesota Statutes chapters 179 and 179A.

Personnel data shall be disseminated to labor organizations and the Bureau of Mediation Services (“BMS”) to the extent the dissemination is ordered or authorized by the Commissioner of the BMS.

- G. The school district may display a photograph of a current or former employee to prospective witnesses as part of the school district’s investigation of any complaint or charge against the employee.
- H. The school district may, if its responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
  - 1. the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
  - 2. a prepetition screening team conducting an investigation of the employee under Minnesota Statutes, section 253B.07, subdivision 1; or
  - 3. a court, law enforcement agency, or prosecuting authority.
- I. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of a crime or alleged crime committed by an employee.
- J. A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.
- K. When allegations of sexual or other types of harassment are made against an employee, the employee does not have access to data that would identify the complainant or other witnesses if the responsible authority determines that the employee’s access to that data would:
  - 1. threaten the personal safety of the complainant or a witness; or
  - 2. subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

- L. The school district must report to the Minnesota Professional Educator Licensing and Standards Board (“PELSB”) or the Board of School Administrators (“BOSA”), whichever has jurisdiction over the teacher’s or administrator’s license, as required by Minnesota Statutes, section 122A.20, subdivision. 2, and shall, upon written request from the licensing board having jurisdiction over license, provide the

licensing board with information about the teacher or administrator from the school district's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minnesota Statutes, section 122A.20, subdivision 2.

***[Note: The obligation to make a report set forth in this section applies equally to charter school boards and their executive directors and charter school authorizers.]***

- M. Private personnel data shall be disclosed to the Department of Employment and Economic Development for the purpose of administration of the unemployment insurance program under Minnesota Statutes. Ch. 268.
- N. When a report of alleged maltreatment of a student in an elementary, middle school, high school or charter school is made to the Commissioner of the Minnesota Department of Education ("MDE") under Minnesota Statutes Chapter 260E, data that are relevant and collected by the school facility about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of providing information to a parent, legal guardian, or custodian of a child in accordance with MDE Screening Guidelines.
- O. The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if
  1. an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or
  2. the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minnesota Statutes Chapter 13.

Data that are released under this paragraph must not include data on the student.

- P. Data submitted by an employee to the school district as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or improve the school district operations is private data. An employee who is identified in a suggestion, however, shall have access to all data in the suggestion except the identity of the

employee making the suggestion.

- Q. Protected health information, as defined in 45 C.F.R. Parts 160 and 164, on employees is private and will not be disclosed except as permitted or required by law.
- R. Personal home contact information for employees may be used by the school district to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of school district operations and may be shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.
- S. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- T. When a continuing contract teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual offenses involving a child as set forth in Minnesota Statutes, section 122A.40, subdivision 13(b), or when the Commissioner of the MDE makes a final determination of child maltreatment involving a teacher under Minnesota Statutes, section 260E.21, subdivision 4 or 260E.35, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minnesota Statutes, section 13.41, subdivision. 5, and must provide PELSB and the licensing division at MDE with the necessary and relevant information to enable PELSB and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minnesota Statutes, section 123B.03, a school board or other school hiring authority must contact PELSB and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

## **VI. MULTIPLE CLASSIFICATIONS**

If data on individuals are classified as both private and confidential by Minnesota Statutes

Chapter 13, or any other state or federal law, the data are private.

## **VII. CHANGE IN CLASSIFICATIONS**

The school district shall change the classification of data in its possession if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

## **VIII. RESPONSIBLE AUTHORITY**

The school district has designated Director of Human Resources 952-442-0600 as the authority responsible for personnel data.

The responsible authority, or a school district employee if so designated, shall serve as the school district's data practices compliance official and, as such, shall be the employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.

## **IX. EMPLOYEE AUTHORIZATION/RELEASE FORM**

An employee authorization form is included as an addendum to this policy.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.02 (Definitions)  
Minn. Stat. § 13.03 (Access to Government Data)  
Minn. Stat. § 13.05 (Duties of Responsible Authority)  
Minn. Stat. § 13.37 (General Nonpublic Data)  
Minn. Stat. § 13.39 (Civil Investigation Data)  
Minn. Stat. § 13.41 (Licensing Data – Public Data)  
Minn. Stat. § 13.43 (Personnel Data)  
Minn. Stat. § 13.601, subd. 3 (Applicants for Employment)  
Minn. Stat. § 15.0597 (Appointment to Multimember Agencies)  
Minn. Stat. § 122A.20, subd. 2 (Mandatory Reporting)  
Minn. Stat. § 122A.40, subds. 13 and 16 (Employment; Contracts; Termination)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. § 123B.143, subd. 2 (Disclose Past Buyouts)  
Minn. Stat. Ch. 179 (Minnesota Labor Relations Act)  
Minn. Stat. Ch. 179A (Minnesota Public Labor Relations Act)  
Minn. Stat. § 253B.07 (Judicial Commitment: Preliminary Procedures)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
Minn. Stat. Ch. 268 (Unemployment Insurance)  
Minn. R. Pt. 1205 (Data Practices)  
P.L. 104-191 (HIPAA)  
45 C.F.R. Parts 160, 162 and 164 (HIPAA Regulations)

***Cross References:*** MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 722 (Public Data Requests)  
MSBA Law Bulletin “I” (School Records – Privacy – Access to Data)

Policy Adopted: November 9, 1970 / Amended October 17, 1988; June 8, 1998  
Amended: July 25, 2005/ March 10, 2008 / April 2011/August 2015 / December 2018 / June 2021/  
December 2021  
Independent School District No. 110  
Waconia, MN

7.B.3. 407 Employee Right to Know - Exposure to  
Hazardous Substances

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

## 407 EMPLOYEE RIGHT TO KNOW – EXPOSURE TO HAZARDOUS SUBSTANCES

*[Note: School districts are not required by statute to have a policy addressing these issues. However, the provisions of this policy accurately reflect the requirements of Minn. Stat. § 182.653.]*

### I. PURPOSE

The purpose of this policy is to provide school district employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. (Minn. Stat. § 182.653, Subd. 2)

### II. GENERAL STATEMENT OF POLICY

The policy of this school district is to provide information and training to employees who may be “routinely exposed” to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen.

### III. DEFINITIONS

- A. “Commissioner” means the Commissioner of Labor and Industry.
- B. “Routinely exposed” means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.
- C. “Hazardous substance” means a chemical or substance, or mixture of chemicals and substances, which:
  - 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations; or
  - 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
  - 3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use,

handling, accidental spill, exposure, or contamination.

- D. “Harmful physical agent” means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes, but is not limited to, radiation, whether ionizing or nonionizing.
- E. “Infectious agent” means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which, according to documented medical or scientific evidence, causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.
- F. “Blood borne pathogen” means a pathogenic microorganism that is present in human blood and can cause disease in humans. This definition includes, but is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

#### **IV. TARGET JOB CATEGORIES**

Annual training will be provided to all full- and part-time employees who are “routinely exposed” to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen as set forth above.

#### **V. TRAINING SCHEDULE**

Training will be provided to employees before beginning a job assignment as follows:

- A. Any newly hired employee assigned to a work area where he or she is determined to be “routinely exposed” under the guidelines above.
- B. Any employee reassigned to a work area where he or she is determined to be “routinely exposed” under the above guidelines.

**Legal References:** Minn. Stat. Ch. 182 (Occupational Safety and Health)  
Minn. Rules Ch. 5205 (Safety and Health Standards)  
Minn. Rules Ch. 5206 (Employee Right to Know Standards)  
29 C.F.R. § 1910.1050, App. B (Substance Technical Guidelines)

**Cross References:** MSBA/MASA Model Policy 420 (Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)  
MSBA/MASA Model Policy 807 (Health and Safety Policy)

Policy Adopted: May11,1998  
Amended: February 11,2002 / March 10, 2008 / February 2018 / December 2018 / June 2021  
Independent School District No.110  
Waconia, MN 55387

7.B.4. 409 Employee Publications, Instructional  
Materials, Inventions, and Creations

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

## **409 EMPLOYEE PUBLICATIONS, INSTRUCTIONAL MATERIALS, INVENTIONS, AND CREATIONS**

### **I. PURPOSE**

The purpose of this policy is to identify and reserve the proprietary rights of the school district to certain publications, instructional materials, inventions, and creations which employees may develop or create, or assist in developing or creating, while employed by the school district.

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

Unless the employee develops, creates or assists in developing or creating a publication, instructional material, computer program, invention or creation entirely on the employee's own time and without the use of any school district facilities or equipment, the employee shall immediately disclose and, on demand of the school district, assign any rights to publications, instructional materials, computer programs, materials posted on websites, inventions or creations which the employee develops or creates or assists in developing or creating during the term of employee's employment and for 3 years thereafter. In addition, employees shall sign such documents and perform such other acts as may be necessary to secure the rights of the school district relating to such publications, instructional materials, computer programs, materials posted on websites, inventions and/or creations, including domestic and foreign patents and copyrights.

### **III. NOTICE OF POLICY**

The school district shall give employees notice of this policy by such means as are reasonably likely to inform them of this policy.

**Legal References:** Minn. Stat. § 181.78 (Agreements; Terms Relating to Inventions)  
17 U.S.C. § 101 *et seq.* (Copyrights)

**Cross References:**

Original Policy Adopted: May 11, 1998  
Amended: February 11, 2002 / December 2018 / June 2021  
Independent School District No. 110  
Waconia, MN 55387

7.B.5. 413 Harassment and Violence

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

## 413 HARASSMENT AND VIOLENCE

*[Note: ~~State law (Minnesota Statutes § 121A.03)~~ requires that school districts adopt a sexual, religious, and racial harassment and violence policy that conforms with the Minnesota Human Rights Act, Minnesota Statute, chapter 363A (MHRA). This policy complies with that statutory requirement and addresses the other classifications protected by the MHRA and/or federal law. While the recommendation is that school districts incorporate the other protected classifications, in addition to sex, religion, and race, into this policy, they are not specifically required to do so by Minn. Stat. § 121A.03. The Minnesota Department of Education (MDE) is required to maintain and make available a model sexual, religious, and racial harassment policy in accordance with Minn. Stat. § 121A.03. MDE's policy differs from that of MSBA and imposes greater requirements upon school districts than required by law. For that reason, MSBA recommends the adoption of its model policy by school districts. Each school board must submit a copy of the policy the board has adopted to the Commissioner of MDE.]*

### I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

*[Note: The Minnesota Human Rights Act defines "sexual orientation" to include "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness." Minn. Stat. § 363A.03, Subd. 44.]*

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.
- B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, as defined by this policy. (For purposes of

this policy, school district personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)

- C. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.
- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who is found to have violated this policy.

### **III. DEFINITIONS**

- A. "Assault" is:
  - 1. an act done with intent to cause fear in another of immediate bodily harm or death;
  - 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
  - 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability when the conduct:
  - 1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  - 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  - 3. otherwise adversely affects an individual's employment or academic opportunities.

[Note: In 2023, the Minnesota legislature amended the definition of “sexual orientation” in the Minnesota Human Rights Act as reflected in subpart 6 below. A school board may choose whether to retain the phrase “including gender identity or expression” in light of the legislative amendment.]

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

D. Protected Classifications; Definitions

1. “Disability” means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

- a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
- b. has a record of such an impairment; or
- c. is regarded as having such an impairment.

2. “Familial status” means the condition of one or more ~~minors being domiciled with~~ having legal status or custody with:

- a. ~~the~~ minor’s parent or parents or the minor’s legal guardian or guardians; or
- b. the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian or guardians. Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

**[NOTE: The 2024 Minnesota legislature revised the definition of “familial status”].**

3. “Marital status” means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

4. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.

5. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

6. "Sexual orientation" means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.

**[Note: In 2023, the Minnesota legislature revised the definition of 'sexual orientation' in the Minnesota Human Rights Act to read as provided here.]**

7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Harassment; Definition

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
  - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
  - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
  - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
2. Sexual harassment may include, but is not limited to:
  - a. unwelcome verbal harassment or abuse;
  - b. unwelcome pressure for sexual activity;
  - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid

physical harm to persons or property;

- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence; Definition

- 1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
- 2. Sexual violence may include, but is not limited to:
  - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
  - b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
  - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
  - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

H. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

**IV. REPORTING PROCEDURES**

- A. Any person who believes ~~he or she~~ **they has have** been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin,

sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct which may constitute harassment or violence 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 from the school district office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to 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.
- D. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. 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 a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the school district

human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.

- G. In the District. The school board hereby designates the Director of Human Resources as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.<sup>1</sup>
- H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. 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 legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

---

<sup>1</sup> In some school districts the superintendent may be the human rights officer. If so, an alternative individual should be designated by the school board.

Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

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

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

## **V. INVESTIGATION**

- A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the

report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SCHOOL DISTRICT ACTION**

- A. Upon completion of an investigation that determines a violation of this policy 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 behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
- B. 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 targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) 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 acts of harassment or violence.

## **VII. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, 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 harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

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

These procedures do not deny the right of any individual to pursue other avenues of

recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

#### **IX. HARASSMENT OR VIOLENCE AS ABUSE**

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

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

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)

29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)  
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

***Cross References:*** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)  
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Policy Adopted: Nov. 12, 1990

Amended: September 13, 1993/ May 11, 1998/ Feb. 11, 2002/ March 10, 2008/ August 16, 2010/  
Dec. 13, 2010/ January 2013 / June 2013 / May 2016 / April 2017 / December 2018/ December  
2023

Reviewed: May 2018 / December 2019 / April 2021 / June 2022

Independent School District 110  
Waconia, MN

7.B.6. 416 Drug and Alcohol Testing

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

## 416 DRUG, ALCOHOL, AND CANNABIS TESTING

*[Note: Drug, alcohol, and cannabis testing of school bus drivers and **driver** applicants is mandatory under federal law. The mandatory testing is described under Part III. of the policy. Drug and alcohol testing of other employees or drug and alcohol testing of school bus drivers beyond that mandated by federal law is optional 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. Cannabis testing of school employees and school bus drivers shall conform to federal and Minnesota law. To preserve the right to request or require school district employees who are not bus drivers and applicants to undergo cannabis testing or 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, alcohol, and cannabis use in society in general, and the public schools in particular. The school board further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.
- B. The school board believes that a work environment free of drug, alcohol, and cannabis use will be not only safer, healthier, and more productive but also more conducive to effective learning. 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, alcohol, and cannabis testing in accordance with the provisions of this policy and as provided in federal law and 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 and cannabis testing in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug and alcohol testing and cannabis testing in accordance with the provisions of this policy and as provided in 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 and cannabis testing in accordance with the provisions of this policy and as provided in 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, 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 that are not medically prescribed, including medical cannabis, 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 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 or cannabis is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol or cannabis is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline that includes, but is not limited to, immediate suspension without pay and immediate discharge.
- F. The school district may discipline, discharge, or take other adverse personnel action against an employee for cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working, on school district premises, or operating a school district vehicle, machinery, or equipment as follows:
  - 1. if, as the result of consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product, the employee does not possess that clearness of intellect and control of self that the employee otherwise would have;
  - 2. if cannabis testing verifies the presence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory test;
  - 3. as provided in the school district's written work rules for cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis testing, provided that the rules are in writing and in a written policy that contains the minimum information required by [Minnesota Statutes](#), section 181.952; or
  - 4. as otherwise authorized or required under state or federal law or regulations, or if a failure to do so would cause the school district to lose a monetary or licensing-related benefit under federal law or regulations.

### III. FEDERALLY MANDATED DRUG AND ALCOHOL 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 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 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. 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 the driver 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 based only upon a laboratory reports to the MRO of a confirmed positive, an adulterated, or a substituted test 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: 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 382.601. Most of the required information is contained within this model policy. Additional materials to be provided to employees are described in Paragraph 2. of 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 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 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 they received a copy of these materials. 49 Code of Federal Regulations section 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 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 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 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 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 that prohibit 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 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 policies of the school district.

G. Prescription Drugs/Cannabinoid Products

A driver shall inform the driver's 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 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. 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 382.413 and 49 Code of Federal Regulations section 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 they have tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.

e. Before employing a driver subject to controlled substances and alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver’s License (CDL) Drug and Alcohol Clearinghouse (“Clearinghouse”) to obtain information about whether the driver (1) has a verified positive, adulterated, or substituted controlled substances test result; (2) has an alcohol confirmation test with a concentration of 0.04 or higher; (3) has refused to submit to a test in violation of federal law; or (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following 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 (see Attachment C to this policy). 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 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 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) set the random alcohol selection and testing rate at 10% of the average number of driver positions 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 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 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 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 40.191, 40.261, and 382.211. They are more specifically addressed in 49 Code of Federal Regulations section 382.501-382.507 and in 49 United States Code section 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 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 D 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 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 **them 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 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 221.031, 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 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 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 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
---------------	---------

“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
Alcohol and controlled substance collection procedures	2 years
Negative and cancelled controlled substance tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	indefinite

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

### 3. Personal Information

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

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

- h. Any employer's report of completion of follow-up testing.

N. Training

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

O. Consequences of Prohibited Conduct and Enforcement

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

- 2. Referral, Evaluation, and Treatment

- a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.

***[Note: Subparagraphs b. and c., below, are based on the provisions of 49 Code of Federal Regulations section 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 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 181.950-181.957. See Minnesota Statutes, 221.031, 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. CANNABIS TESTING OR DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES

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

##### A. Definitions

1. “Cannabis testing” means the analysis of a body component sample according to the standards established under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis flower, as defined in Minnesota Statutes, section 342.01, subdivision 16, cannabis products, as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, hemp-derived consumer products as defined in section 342.01, subdivision 37, or cannabis metabolites in the sample tested. The definitions in this section apply to cannabis testing unless stated otherwise.
2. “Confirmatory test” and “confirmatory retest” mean a drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
3. “Drug” means a controlled substance as defined in Minnesota Statutes, section 152.01, subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as defined in section 342.01, subdivision 16, cannabis products as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, and hemp-derived consumer products as defined in section 342.01, subdivision 37.
4. “Drug and Alcohol Testing,” “Drug or Alcohol Testing,” and “Drug or Alcohol Test” mean analysis of a body component sample by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested. “Drug and alcohol testing,” “drug or alcohol testing,” and “drug or alcohol test” do not include cannabis or cannabis testing, unless stated otherwise.
5. “Employee” means a person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for an employer.

6. "Initial screening test" means a drug or alcohol test or cannabis test which uses a method of analysis under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
7. "Job Applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the charter school 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 charter school's drug and alcohol testing policy relating to school bus drivers (Section III.).
8. "Oral fluid test" means analysis of a saliva sample for the purpose of measuring the presence of the same substance as drug and alcohol testing and cannabis testing that:
  - a. can detect drugs, alcohol, cannabis, or their metabolites in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1; and
  - b. does not require the services of a testing laboratory under section 181.953, subdivision 1.

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

89. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the charter school 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 charter school'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."
910. "Positive Test Result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
4011. "Random Selection Basis" means a mechanism for selection of employees that:
  - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
  - b. does not give the charter school discretion to waive the selection of any employee selected under the mechanism.

412. “Reasonable Suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
4213. “Safety-Sensitive Position” means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person.

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

1. General Limitations

- a. The school district ~~may 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 or cannabis testing, unless the testing is done pursuant to this policy; and ~~either (1) is conducted by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1; or (2) complies with the oral fluid test procedures under section 181.953, subdivision 5a.~~

[NOTE: The 2024 Minnesota legislature amended this provision]

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

2. Cannabis Testing Exceptions

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

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

3. Job Applicant Testing

The school district may request or require any job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing, provided a job offer has been made to the applicant and the same test is requested or required of all job applicants conditionally offered employment for that position. If a job applicant has received a job offer 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.

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

4. Oral fluid testing

a. When drug and alcohol testing or cannabis testing is otherwise authorized under Minnesota Statutes, section 181.951, the school district may request an employee or job applicant to undergo oral fluid testing according to the procedures under Minnesota Statutes, section 181.953, subdivision 5a as an alternative to using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1.

b. The employee must be informed of the test result at the time of the oral fluid test. Within 48 hours of an oral fluid test that indicates a positive test result or that is inconclusive or invalid, the employee or job applicant may request drug or alcohol testing or cannabis testing at no cost to the employee or job applicant using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1, and according to the existing laboratory testing standards in subdivisions 1 to 5. The rights, notice, and limitations in

Minnesota Statutes, section 181.953, subdivision 6, paragraph subdivisions 7 to 8 and 10 to 11 apply to an employee or and a laboratory test conducted pursuant to this

(b), \_\_\_\_\_ and job applicant paragraph.

c. If the laboratory test under paragraph (b) above indicates a positive result, any subsequent confirmatory retest, if requested by the employee or job applicant, must be conducted following the retest procedures provided in Minnesota Statutes, section 181.953, subdivision 6, paragraph (c), and subdivision 9 at the employee's or job applicant's own expense.

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

[NOTE: The 2024 Minnesota legislature enacted this provision]

45. Random Testing

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

56. Reasonable Suspicion Testing

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

- a. is under the influence of cannabis, drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minnesota Statutes, section 176.011, 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.

67. Treatment Program Testing

The school district may request or require any employee to undergo cannabis testing and drug and alcohol testing if the employee has been referred by the school district for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo cannabis testing and drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.

78. Routine Physical Examination Testing

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

C. No Legal Duty to Test

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

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

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

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

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing or requesting cannabis 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 or cannabis testing policy.

2. Notice of Test Results

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

3. Notice of and Right to Test Result Report

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

4. Notice of and Right to Explain Positive Test Result

a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information (see Attachment G to this policy).

b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

c. The employee may present verification of enrollment in the medical cannabis patient registry or of enrollment in a Tribal medical

cannabis program as part of the employee's explanation.

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

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the 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 **the employee or job applicant's his or her own** expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at **the employee or job applicant's 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 **the employee or job applicant's 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 181.953, 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, alcohol, or cannabis threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

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

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

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

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

employee was under an affirmative duty to provide the information before, upon, or after hire, or failing to do so would violate federal law or regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.

6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.
7. An employee must be given access to information in the individual's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process or cannabis testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

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

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

H. Chain-of-Custody Procedures

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

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;
2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;
3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

With respect to employees and job applicants, test result reports and other information acquired in the drug or alcohol testing process are private data on individuals as that phrase is defined in Minnesota Statutes Chapter 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 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, alcohol, and cannabis testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on the applicant's passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice in the form of Attachment H to this policy.

**V. POSTING**

The school district shall post notice in an appropriate and conspicuous location on its premises that it has adopted a drug and alcohol 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)  
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)  
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)  
49 C.F.R. Part 382 (Controlled Substances and Alcohol Use and Testing)

**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, revised May 2008, revised June 2011, reviewed Oct. 2016, reviewed December 2019, revised October 2023, revised December 2023, revised May 2024

Independent School District No. 110  
Waconia, MN 55387

7.B.7. 436 Substitute Teaching

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

## 436 SUBSTITUTE TEACHING

Independent School District No. 110 requires the services of substitute teachers in its elementary and secondary schools to ensure that appropriate instructional programming is provided for all students when assigned teachers are absent. While performing their duties, substitute teachers are considered employees of the district.

### I. DEFINITIONS:

- A. Daily Substitute Teacher: A daily substitute teacher performs substitute teaching services for fifteen (15) consecutive calendar days or less for an individual teacher.
- B. Long-term Substitute Teacher: A long-term substitute teacher performs substitute teaching services for more than fifteen (15) consecutive for an individual teacher.

### II. PROCEDURES:

- A. Substitute teachers must complete all required application materials, interview with a member of the district's administration team when required, and attend a new substitute orientation session, including information regarding mandatory district training and policies, payroll requirements, and background checks prior to becoming eligible to perform services as a substitute teacher in the School District.
- B. Substitute teachers are required to maintain valid teaching or substitute licenses through the Minnesota Professional Educator Licensing and Standards Board or the commissioner of education.
- C. The School District will contact substitute teachers when services are required via its electronic substitute program. The substitute teacher will be provided with the specifics of the assignment when contacted.
- D. The building principal or **his/her** designee will coordinate the use of substitute teachers in **his/her their** respective building. The absent teacher will ensure that lesson plans are available for the substitute teacher.
- E. Substitute teachers assigned to a particular building may be utilized throughout the building as needed. Assignments may include coverage for one or more absent teachers in one or more building departments.
- F. The building principal or **his/her** designee will complete the necessary payroll forms for each substitute teacher performing services in **his/her their** building. The substitute teacher will sign the pay form verifying **his/her their** hours of performance.
- G. Regular faculty members may be assigned to substitute, without additional pay, as long as contractual preparation time provisions are adhered to. If regular faculty members are asked to provide substitute services during their preparation time, then they will be reimbursed at the rate specified in the teachers' collective bargaining agreement.

### **III. PAYMENT:**

- A. Daily substitute teachers will be compensated in accordance with School Board action.
- B. Long-term substitute teachers shall be paid a daily rate in accordance with BA/Step A on the teachers' salary schedule.
- C. Substitute teacher pay will be issued using direct deposit on the 15<sup>th</sup> and the last day of the month.
- D. Substitute teachers are not eligible to participate in health insurance plans or other fringe benefits through the School District unless required by law.
- E. Substitute teachers will not be compensated for mileage or travel time.
- F. Long-term substitute teachers assigned to perform substitute teaching services for more than one-hundred-twenty (120) consecutive days for an individual teacher are eligible for fringe benefits as provided for in the teachers' collective bargaining agreement.

Policy Adopted: December 14, 1970 / Amended September 8, 1975 / Amended June 9, 1986 /  
Amended December 14, 1992 / January 4, 1999 / July 18, 2005 / May 12, 2008 / May 11, 2009 /  
August 16, 2010 / Jan. 2016 / Dec. 2018 / July 2021  
Independent School District No. 110  
Waconia, Minnesota

7.B.8. 515 Protection and Privacy of Pupil  
Records

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

## **515 PROTECTION AND PRIVACY OF PUPIL RECORDS**

### **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. Under federal law, "dDirectory information," 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.

[NOTE: Under the federal Family Educational Rights and Privacy Act (FERPA), the federal definition of "directory information" identifies the types of information that may be specifically referenced as directory information. The federal definition applies to information requests by military recruiting officers, as set out in Article XI below.]

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 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. Minnesota law prohibits schools from designating student contact information as "directory information" despite the FERPA definition. Minnesota schools should comply with Minnesota law and should not include student contact information in their definition of "directory information."**

**This June 2024 revision to the "directory information" section seeks to clarify the law; no substantive change is presented in this revision.]**

**[NOTE: 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.]**

**[NOTE: The 2024 Minnesota legislature enacted Minnesota Statutes, section 480.40, which includes a law limiting disclosure of personal information concerning "judicial officials." The new law includes a definition of "judicial official" that school districts can review. "Personal information" about a judicial official includes "the name of any child" and the name of any school that such child attends if combined with an assertion that the child attends the school. School districts may not "knowingly publicly post, display, publish, sell, or otherwise make available on the Internet the personal information of any judicial official," including in response to requests for directory information.]**

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 the student** 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 chapter 256B or Minnesota Care under Minnesota Statutes 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 United States Code, section 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.
23. When requested, educational agencies or institutions may share personal student contact information and directory information for students served in special education with postsecondary transition planning and services under Minnesota Statutes, section 125A.08, paragraph (b), clause (1), whether public or private, with the Minnesota Department of Employment and Economic Development, as required for coordination of services to students with disabilities under Minnesota Statutes, sections 125A.08, paragraph (b), clause (1); 125A.023; and 125A.027.

[NOTE: The 2024 Minnesota legislature enacted this provision.]

#### 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. 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. 20 United States Code, section 1232g, and 34 Code of Federal Regulations, 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].***

### 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~~ the individual 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.

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 give annual 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 a parent or eligible student** 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.]***

3. 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.
4. 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.
5. 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 they have** 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 [building principal] in writing by August 31st 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- 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 the parent or eligible student** 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 the parent or eligible student** 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. § 480.40 (Personal Information, Dissemination)  
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 2010 / Nov 2013 / Nov 2020 / June 2023 / September 2023

Independent School District No. 110

Waconia, MN

7.B.9. 613 Graduation Requirements

**Presenter:** Erika  
Nesvig, Director of  
Education Services

## 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, health, and the arts, and (2) a locally adopted expectation for student learning in health. Locally developed academic standards in health apply until statewide rules implementing statewide health standards under Minnesota Statutes, section 120B.021, subdivision 3, are required to be implemented in the classroom.~~

~~[NOTE: The 2024 Minnesota legislature enacted this change. Paragraphs C and E are flipped to create alphabetical order.]~~

B. "Credit" means a student's successful completion of ~~an academic course~~ a trimester course or a student's mastery of the applicable subject matter, as determined by the school district.

C. "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. ~~"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. ~~"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. "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 GRADUATION REQUIREMENTS**

### A. Graduation 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:

- A1. Achievement and career and college readiness in mathematics, reading, and writing, consistent with paragraph (k) and to the extent available, to monitor students' continuous development of and growth in requisite knowledge and skills; analyze students' progress and performance levels, identifying students' academic strengths and diagnosing areas where students require curriculum or instructional adjustments, targeted interventions, or remediation; and, based on analysis of students' progress and performance data, determine students' learning and instructional needs and the instructional tools and best practices that support academic rigor for the student; and

~~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~~

- B2. 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.
- C3. 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.

### B. Targeted Instruction Plan

- D1. ~~A s~~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.
- E2. Consistent with Minnesota Statutes, sections 120B.13, 124D.09, 124D.091, 124D.49, and related sections, an enrolling school or district must actively encourage a student in grade 11 or 12 who is identified as academically ready for a career or college 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 under this subdivision to graduate from high school.

~~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.~~

- ~~3. 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.~~

~~[NOTE: The revisions in Paragraphs A and B align the model policy language with Minnesota Statutes 120B.303.]~~

- ~~FC.~~ 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. Credit Requirements

1. Eight credits of language arts sufficient to satisfy all academic standards in English language arts;

- ~~B2.~~ 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;~~

~~D3.~~ ~~Seven credits of science, including three credits to satisfy all the earth and space standards for grades 9 through 12, two credits to satisfy all the life science standards for grades 9 through 12, and two credits to satisfy all the chemistry or physics standards for grades 9 through 12.~~

~~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;~~

- ~~E4.~~ Eight credits of social studies, encompassing at least United States history, geography, government and citizenship in either grade 11 or 12 for students beginning in grade 9 in the 2025-2026 school year and later or an advanced placement, international baccalaureate, or other rigorous course on government and citizenship under Minnesota Statutes, section 120B.21, subdivision 1a, and a combination of other credits 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;

~~[NOTE: This revision includes the 2024 change on implementation of the~~

government and citizenship requirement to the 2025-26 school year.]

- ~~F5.~~ Two credits in the arts sufficient to satisfy all of the ~~state or local~~ academic standards in the arts; ~~and~~
- ~~6.~~ Credit sufficient to satisfy the state standards in physical education; and
- ~~G7.~~ A minimum of eighteen elective credits.
- ~~8.~~ Students who begin grade 9 in the 2024-2025 school year and later must successfully complete a course for credit in personal finance in grade 10, 11, or 12. A teacher of a personal finance course that satisfies the graduation requirement must have a field license or out-of-field permission in agricultural education, business, family and consumer science, social studies, or math.

[NOTE: The revisions above align the policy language with Minnesota law, including changes enacted by the 2024 Minnesota legislature concerning physical education credit and state standards in health. Paragraph 8 was enacted in 2023; it affects students who begin grade 9 in the 2024-25 school year.]

~~H9.~~ Three credits of physical education (2) and health (1).

~~I10.~~ One credit for speech.

~~J11.~~ One credit for completion of senior seminar

~~KB.~~ Credit equivalencies

1. A credit of economics taught in a school's ~~agriculture~~-business department may fulfill credit in social studies under Paragraph ~~E4.~~, 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 ~~D3.~~, 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 ~~D3.~~, above, if the credit meets the state chemistry ~~or physics~~ academic standards or all of the 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 ~~D3.~~, above.
3. A career and technical education credit may fulfill a mathematics or arts credit requirement under Paragraph ~~B2.~~ or Paragraph ~~F5.~~, above.
4. A computer science credit may fulfill a mathematics credit requirement under Paragraph ~~B2.~~, 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 ~~B2.~~, or Paragraph ~~D3.~~, 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: The revisions above align the policy language with Minnesota law, including changes enacted by the 2024 Minnesota legislature. 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 Goals; Striving for Comprehensive Achievement and Civic Readiness 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 (General Requirements; Statewide Assessments Testing and Reporting System)  
Minn. Stat. § 120B.303 (Assessment Graduation Requirements)  
Minn. Stat. § 120B.307 (College and Career Readiness)  
~~Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)~~  
Minn. Rules Part 3501.0660 (Academic Standards for Kindergarten through Grade 12)  
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 3501.1200-1210 (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 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, September 2023  
Independent School District No. 110  
Waconia MN

8. **DISCUSSION ITEMS**

8.A. First Read Board Policies

8.A.1. 513 Student Promotion, Retention, and  
Program Design

**Presenter:** Erika  
Nesvig, Director of  
Education 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 comprehensive achievement and civic readiness, 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.

3. The school district 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.
4. The school district 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.
5. The school district 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). 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, revised October 2023

Independent School District 110  
Waconia, MN

8.A.2. 606.5 Library Materials

**Presenter:** Erika  
Nesvig, Director of  
Education Services

## **606.5 LIBRARY MATERIALS**

### **I. PURPOSE**

The purpose of this policy is to provide direction and to delegate responsibility for selection and reconsideration of library materials.

### **II. GENERAL STATEMENT OF PURPOSE**

The school board recognizes that library materials serve as a vital component of a student's education by enriching the breadth of the curriculum as a whole and meeting the needs and interests of individual students. The purpose of library materials is to meet the needs of all students. Therefore, questions regarding selection and reconsideration of library materials should be handled differently than those concerning textbooks and instructional materials.

To ensure that library materials fulfill this role, the school board delegates to the superintendent or the superintendent's designee responsibility for administering a process for selection of library materials. Responsibility for selection shall rest with professionally trained school district staff, with recognition that the school board has the final authority on selection of library materials. Parents and guardians have the right and the responsibility to determine their children's access to library materials.

**[NOTE: The school board may choose to revise the General Statement of Purpose.]**

### **III. DEFINITIONS**

- A. "Library" is the school district resource that holds the library collection that serves the information and independent reading needs of students and supports the curriculum needs of teachers and staff. The term "library" includes a school library media center. The term also includes access to electronic materials.

For school districts with multiple school buildings, the term "library" refers to the resource within a specific school building.

Minnesota Statutes, section 124D.901, states that a school district or charter school library or school library media center provides equitable and free access to students, teachers, and administrators and that a school library or school library media center must have the following characteristics:

1. ensures every student has equitable access to resources and is able to locate, access, and use resources that are organized and cataloged;
2. has a collection development plan that includes but is not limited to materials selection and deselection, a challenged materials procedure, and an intellectual and academic freedom statement;
3. is housed in a central location that provides an environment for expanded learning and supports a variety of student interests;
4. has technology and Internet access; and
5. is served by a licensed school library media specialist or licensed school librarian.

**[NOTE: The school board may add a sentence that incorporates the term(s) used to identify libraries in the school district, such as "The school district's libraries are commonly referred to as \_\_\_\_\_.]Media Centers.]**

- B. "Library collection" consists of the library materials made available to students.
- C. "Library materials" are the books, periodicals, newspapers, manuscripts, films, prints, documents, videotapes, subscription content, electronic and digital materials (including e-books, audiobooks, and databases), and related items made available to students in a school building or through access to electronic materials This term does not include materials made available to students as part of the curriculum.
- D. "Library media specialist" is a teacher holding a Library Media Specialist teaching license issued by the Professional Educator Licensing and Standards Boards and who is trained to deliver library services to students and staff in a library. A library media specialist is authorized under Minnesota Rules to provide to students in kindergarten through grade 12 instruction that is designed to provide information and technology literacy skills instruction, to lead, collaborate, and consult with other classroom teachers for the purpose of integrating information and technology literacy skills with content teaching, and to administer media center operations, programming, and resources.

**[NOTE: The specific titles of the school district's library staff should be used for this definition and substituted for "library media specialist" throughout this model policy. [Please note the new 2024 law in Article IV regarding administration of selection and reconsideration procedures.](#)]**

#### **IV. RESPONSIBILITY FOR SELECTION OF LIBRARY MATERIALS**

- A. The school board recognizes the expertise of the school district's professional staff and the vital need of such staff to be responsible for selection of library materials.
- B. While recommendations by administrators, faculty members, students, parents, and other community members may be considered, the final responsibility for selection of library materials shall rest with the library media specialist.
- C. [The procedures for selection and reconsideration set forth in this policy will be administered by:](#)
  - 1. [a licensed library media specialist under Minnesota Rules, part 8710.4550;](#)
  - 2. [an individual with a master's degree in library science or library and information science; or](#)
  - 3. [a professional librarian or a person trained in library collection management.](#)
- D. [The school board may decline to purchase, lend, or shelve or remove access to library materials legitimately based on:](#)
  - 1. [practical reasons, including but not limited to shelf space limitations, rare or antiquarian status, damage, or obsolescence;](#)
  - 2. [legitimate pedagogical concerns, including but not limited to the appropriateness of potentially sensitive topics for the library's intended audience, the selection of library materials for a curated collection, or the likelihood of causing a material and substantial disruption of the work and](#)

[discipline of the school; or](#)

3. [compliance with state or federal law.](#)

**[NOTE: In 2024, the Minnesota legislature enacted a new law—Minnesota Statutes 134.51--that includes the new provisions above.]**

#### **IV. SELECTION OF LIBRARY MATERIALS**

- A. Selection Criteria: The library materials selection process should result in a library collection that, when considered as a whole, is consistent with the following criteria:
1. Library materials shall support and be consistent with the general educational goals of the state and the district and the aims and objectives of individual schools and specific courses;
  2. Library materials shall be chosen to enrich and support the curriculum as well as to promote reading for pleasure by responding to the personal needs and interests of student users;
  3. Library materials shall not be excluded because of the race, nationality, religion, sex, gender, or political views of the writer;
  4. Library materials shall be appropriate to and reflect the needs, ages, maturity level, emotional development, ability levels, learning styles, social development, background, diversity, and needs and interests of the students for whom the materials were selected;
  5. Library materials shall meet high standards of quality in one or more of these categories (presented alphabetically):
    - a. Artistic quality and/or literary style;
    - b. Authenticity;
    - c. Critical thinking;
    - d. Educational significance;
    - e. Factual content;
    - f. High interest for intended audience; and
    - g. Readability.
  6. The selection of library materials shall conform to the constraints of the school district budget.

**[NOTE: Before adopting selection criteria, the school board is strongly encouraged to consult with the licensed library media specialist, who possesses professional expertise and experience in selecting appropriate library materials. The school board may choose to adopt selection criteria specifically designed for each school building.]**

**[NOTE: A school board may choose to adopt similar selection criteria for**

**classroom library materials, with the classroom teacher making selection decisions. If a school board chooses to address classroom libraries, the board can decide whether to follow the reconsideration process in this model policy or to create a different process for classroom library materials.]**

- B. The library media specialist shall consult sources and specialists experienced in library materials collections appropriate for the building's students and that are reputable, experienced, unbiased, and professionally trained in school library materials.

**[NOTE: The school board may choose to identify specific sources and specialists that satisfy this paragraph.]**

- C. The superintendent or the superintendent's designee shall be responsible for keeping the school board informed of progress on review and selection of each building's library materials.
- D. Library materials that are outdated, inaccurate, no longer useful for curricular support or reading enrichment, or have not been utilized for an extended period of time may be removed. Library materials that are in poor physical condition may be removed or replaced as determined by the library media specialist or the principal.
- E. Gifts and Donations of Library Materials

Materials offered for donation or gifted to a school library may be accepted if they comply with the library collection selection criteria and approved by the library media specialist. The school district's libraries welcome donations of books and other resource materials from individuals and organizations, but also reserve the right to decline to accept library materials that do not meet the criteria for selection. In addition, financial donations to benefit school district's libraries will be accepted with the understanding that funds will be used to purchase materials that are needed for libraries based on the needs of the individual schools.

## **VI. INDIVIDUAL STUDENT ACCESS TO SPECIFIC LIBRARY MATERIAL**

A parent or guardian may request that access to specific material in the library materials collection be restricted from their student. The school shall take reasonable steps to fulfill this request. This type of request will not result in removal of specific library collection material from the library or restrictions upon any other student accessing specific library materials.

## **VII. RECONSIDERATION OF SPECIFIC LIBRARY MATERIAL**

- A. The school board seeks to uphold students' access to library materials that meet the educational goals and selection criteria set forth in this policy.
- B. A school district employee, student, or a parent or guardian of a school district student may request reconsideration of specific library material on the basis of appropriateness. Access to the material in question shall not be restricted until the procedures listed below have been fully completed and a decision to remove or restrict the materials has been made.

~~**[NOTE: The school board may decide whether to allow a building principal to remove library materials pending completion of the reconsideration process.]**~~

- C. Informal Request for Reconsideration of Specific Library Material

1. Requests for reconsideration of specific library material shall be directed to the library media specialist and the building principal. The building principal and the library media specialist shall assume responsibility for processing the request on an informal basis.
2. The building principal and/or the library media specialist shall provide an explanation to the individual who submitted the request. The explanation shall include the particular selection criteria that the material in question met in order to be included in the library as curriculum support or as an independent reading choice for students in the building.
3. If the request is not resolved informally, the principal shall submit a report on the matter to the superintendent or the superintendent's designee. The requestor will have an option to initiate a Formal Request for Reconsideration.

D. Formal Request for Reconsideration of Specific Library Collection Material

1. A Formal Request for Reconsideration of specific library material is initiated upon submission of a completed *Formal Request for Reconsideration of Specific Library Collection Material* form. The form must be completed in its entirety for each work that is subject to a request for reconsideration. The principal shall notify the superintendent or the superintendent's designee and the library media specialist of receipt of a completed Formal Request form.

If specific library material is the subject of a Formal Request for Reconsideration and a final decision is made to retain the specific library material, then the specific library material shall not be subject to additional requests for reconsideration for three years following the date of final resolution of the initial Formal Request for Reconsideration.

2. On an annual basis, the Superintendent or the superintendent's designee shall appoint a Library Materials Review Committee (Review Committee). This committee shall include:
  - a. ~~Building Administrator One member of the school district administration~~
  - b. ~~Media Specialist One principal~~
  - c. ~~Classroom Teacher Two teachers~~
  - d. ~~Member of Teaching and Learning Advisory Council One library media specialist (or district media specialist or public librarian if the school district does not have a library media specialist)~~
  - e. ~~Student (if appropriate) Two members of the school district community with no direct connection with the request for reconsideration~~
  - f. ~~Two student representatives (as appropriate to the specific request).~~

**[NOTE: This list of Review Committee members is an example. The school board may alter this list. The school district may decide to create Review Committees for individual schools.]**

3. The Review Committee shall establish a date upon which it will discuss the request and whether the specific library collection material conforms to the

selection criteria set forth in this policy.

4. The Review Committee
  - a. may consult individuals, organizations, and other resources with relevant professional knowledge on school library material;
  - b. shall examine the specific library material as a whole;
  - c. shall examine the specific library material as to its conformance with the criteria for selection of library materials; and
  - d. shall submit a written report to the superintendent or the superintendent's designee containing the Review Committee's decision on whether to retain, to remove, or to take other action regarding the specific library material.
5. The superintendent or the superintendent's designee shall inform the requestor and the school board of the Review Committee's decision. The requestor may appeal the Review Committee's decision to the superintendent or the superintendent's designee by submitting a written appeal to the superintendent or the superintendent's designee within fourteen (14) days of submission of the Review Committee's decision to the requestor. The superintendent or the superintendent's designee shall provide a written decision on a requestor's appeal within a reasonable time period.

**[NOTE: The school board can decide whether to allow appeal of a Review Committee decision to the superintendent or the superintendent's designee. If appeal to the superintendent or the superintendent's designee is permitted, the school board may direct the superintendent or the superintendent's designee to craft an appeal process or the board may choose to create the process itself.]**

6. The requestor shall have the right to appeal the decision of the superintendent or the superintendent's designee to the school board.

**[NOTE: The school board may decide whether to allow an appeal of a Review Committee decision directly to the school board or whether the appeal to the superintendent or the superintendent's designee is a required intermediary step. If appeal to the school board is permitted, the school board may direct the superintendent or the superintendent's designee or designee to craft an appeal process or the board may choose to create the process itself.]**

#### **VIII. CHALLENGE REPORT**

Upon the completion of a content challenge or reconsideration process in accordance with this policy, the school board must submit a report of the challenge to the Commissioner of the Minnesota Department of Education that includes:

- A. the title, author, and other relevant identifying information about the material being challenged;
- B. the date, time, and location of any public hearing held on the challenge in question, including minutes or transcripts;

C. [the result of the challenge or reconsideration request; and](#)

D. [accurate and timely information on who from the school district the Department of Education may contact with questions or follow-up.](#)

**[\[NOTE: This article was enacted in 2024 by the Minnesota legislature.\]](#)**

## **[IX. Teacher Selected Materials](#)**

[Materials selected for classroom use may include both print and non-print formats as well as fiction and nonfiction. Classroom materials have their primary justification to support the curriculum. Although a textbook may contain the entire curriculum content of a course of study, more commonly, a variety of materials are used. Assumptions underlying the latter practice include the following:](#)

- [1. People often are better informed for having considered a subject from various points of view.](#)
- [2. Students in any subject at any given grade level have a wide range of skills and abilities. An equally wide range of materials is needed to match these individual differences.](#)
- [3. Access to adequate collections of materials is essential to programs that provide students with independent study time.](#)
- [4. Because the curriculum may not include items of personal relevance of students, access to a wide range of materials is essential.](#)
- [5. Teachers can be more flexible and creative if a wide variety of materials are available.](#)

## **[X. PROHIBITION ON RETALIATION](#)**

[The school district may not discriminate against or discipline an employee for complying with Minnesota Statutes, section 134.51.](#)

**[\[NOTE: This article was enacted in 2024 by the Minnesota legislature.\]](#)**

**Legal References:** Minn. Stat. § 120A.22, Subd. 9 (Compulsory Instruction)  
Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
Minn. Stat. § 123B.09 (School Board Responsibilities)  
Minn. Stat. § 124D.991 (Public School Libraries and Media Centers)  
[Minn. Stat. § 134.51 \(Access to Library Materials and Rights Protected\)](#)  
Minn. Rules Part 8710.4550 (Library Media Specialists)  
*Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853 (1982)  
*Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943)

**Cross References:** MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)

8.A.3. 516 Student Medication

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

## 516 STUDENT MEDICATION ~~AND TELEHEALTH~~

### I. PURPOSE

The purpose of this policy is to set forth the provisions that must be followed when administering non-emergency prescription medication to students at school.

### II. GENERAL STATEMENT OF POLICY

The school district acknowledges that some students may require prescribed drugs or medication ~~and telehealth~~ during the school day. The school district's licensed school nurse, trained health associate, principal, trained school staff, or teacher will administer prescribed medications, except any form of medical cannabis, in accordance with law and school district procedures. All medications administered by school staff must be FDA approved and listed in the Physician's Desk Reference (PDR).

The school district will not administer medications, including herbal medicines that are not approved by the Food and Drug Administration (FDA) Prescription medications as used in this policy does not include any form of medical cannabis as defined in Minnesota Statute 152.22, subdivision 6.

### III. ~~DRUG AND MEDICATION REQUIREMENTS~~

~~[NOTE: The June 2024 Model Policy 516 revisions include insertion of headings and rearrangement of paragraphs so that similar content is grouped together. School boards can choose whether to make these revisions.]~~

#### A. ~~Administration of Drugs and Medicine~~

- ~~1. The administration of ~~prescription~~-medication or drugs at school requires a completed signed request from the student's parent. An oral request must be reduced to writing within two school days, provided that the school district may rely on an oral request until a written request is received.~~
- ~~2. Drugs and medicine subject to Minnesota Statutes, 121A.22 must be administered, to the extent possible, according to school board procedures that must be developed in consultation with:~~
  - ~~a. with a licensed nurse, in a district that employs a licensed nurse under Minnesota Statutes, section 148.171;~~
  - ~~b. with a licensed school nurse, in a district that employs a licensed school nurse licensed under Minnesota Rules, part 8710.6100;~~
  - ~~c. with a public or private health-related organization, in a district that contracts with a public or private health or health-related organization, according to Minnesota Statutes, 121A.21; or~~
  - ~~d. with the appropriate party, in a district that has an arrangement approved by the Commissioner of the Minnesota Department of Education, according to Minnesota Statutes, 121A.21.~~

~~[NOTE: Paragraph III.A.2 had appeared in a different spot in previous versions of this model policy. In June 2024, the paragraph is located here and is updated to reflect 2024 legislative changes.]~~

#### ~~3. Exclusions~~

~~[Note: The provisions of III.A.3 are optional. The school board may~~

**Commented [1]:** Can remove, if board would like. 80+% of the redline changes to this policy are just restructuring of the previous version with the exact same wordage

**Commented [2]:** May remove if board prefers

~~choose to include or exclude any of the provisions specified. These exclusions appeared in previous versions of this model policy.~~

Commented [3]: Board may remove

~~The provisions on administration of drugs and medicine above do not apply to drugs or medicine that are:~~

- ~~a. purchased without a prescription;~~
- ~~b. used by a pupil who is 18 years old or older;~~
- ~~c. used in connection with services for which a minor may give effective consent;~~
- ~~d. used in situations in which, in the judgment of the school personnel, including a licensed nurse, who are present or available, the risk to the pupil's life or health is of such a nature that drugs or medicine should be given without delay;~~
- ~~e. used off the school grounds;~~
- ~~f. used in connection with athletics or extracurricular activities;~~
- ~~g. used in connection with activities that occur before or after the regular school day;~~
- ~~h. provided or administered by a public health agency to prevent or control an illness or a disease outbreak as provided under Minnesota law;~~
- ~~i. prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
  - ~~(a). the school district has received a written authorization each school year from the pupil's parent permitting the student to self-administer the medication;~~
  - ~~(b). the inhaler is properly labeled for that student; and~~
  - ~~(c). the parent has not requested school personnel to administer the medication to the student.~~~~

~~In a school that does not have a school nurse or school nursing services, the student's parent or guardian must submit written verification from the prescribing professional which documents that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed.~~

~~If the school district employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party must assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting and enter into the student's school health record a plan to implement safe possession and use of asthma inhalers.~~

- ~~j. epinephrine auto-injectors, consistent with Minnesota Statutes, section 121A.2205, if the parent and prescribing medical professional annually inform the pupil's school in writing that
  - ~~(a). the pupil may possess the epinephrine or~~
  - ~~(b). the pupil is unable to possess the epinephrine and requires~~~~

immediate access to epinephrine auto-injectors that the parent provides properly labeled to the school for the pupil as needed.

k. For the purposes of Minnesota Statutes, 121A.22, special health treatments and health functions, such as catheterization, tracheostomy suctioning, and gastrostomy feedings, do not constitute administration of drugs or medicine.

l. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy.

B. Prescription Medication

1. An "Administering Prescription Medications" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs. Prescription medication as used in this policy does not include any form of medical cannabis as defined in Minnesota Statutes section 152.22, subdivision 6.
2. Prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with law, and must be administered in a manner consistent with the instructions on the label.
3. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.
4. Prescription medications are not to be carried by the student, but will be left with the appropriate school district personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Part J.5. below), and medications administered as noted in a written agreement between the school district and the parent or as specified in an IEP (individualized education program), Section 504 plan, or IHP (individual health plan).
5. The school must be notified immediately by the parent or student 18 years old or older in writing of any change in the student's prescription medication administration. A new medical authorization or container label with new pharmacy instructions shall be required immediately as well.
6. For drugs or medicine used by children with a disability, administration may be as provided in the IEP, Section 504 plan or IHP.
7. The school nurse, or other designated person, shall be responsible for the filing of the Administering Prescription Medications form in the health records section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the principal and to other personnel designated to administer the medication.

~~Procedures for administration of drugs and medicine at school and school activities shall be developed in consultation with a school nurse, a licensed school nurse, or a public or private health organization or other appropriate party (if appropriately contracted by the school district under Minnesota Statutes section 121A.21). The school district administration shall submit these procedures and any additional guidelines and procedures necessary to implement this policy to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.~~

[NOTE: This paragraph is moved to Paragraph III.A.3 above, where it is updated

to reflect 2024 legislative changes.

8. If the administration of a drug or medication described in this section requires the school district to store the drug or medication, the parent or legal guardian must inform the school if the drug or medication is a controlled substance. For a drug or medication that is not a controlled substance, the request must include a provision designating the school district as an authorized entity to transport the drug or medication for the purpose of destruction if any unused drug or medication remains in the possession of school personnel. For a drug or medication that is a controlled substance, the request must specify that the parent or legal guardian is required to retrieve the drug or controlled substance when requested by the school.

**[NOTE: Starting in June 2024, the exceptions appear under Article III.A.3 above.]**

~~K. Specific Exceptions:~~

- ~~1. Special health treatments and health functions such as catheterization, tracheostomy suctioning, and gastrostomy feedings do not constitute administration of drugs and medicine;~~
- ~~2. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy;~~
- ~~3. Drugs or medicine provided or administered by a public health agency to prevent or control an illness or a disease outbreak are not governed by this policy;~~
- ~~4. Drugs or medicines used at school in connection with services for which a minor may give effective consent are not governed by this policy;~~
- ~~5. Drugs or medicines that are prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
  - ~~a. the school district has received a written authorization from the pupil's parent permitting the student to self-administer the medication;~~
  - ~~b. the inhaler is properly labeled for that student; and~~
  - ~~c. the parent has not requested school personnel to administer the medication to the student.~~~~

The parent must submit written authorization for the student to self-administer the medication each school year. In a school that does not have a school nurse or school nursing services, the student's parent or guardian must submit written verification from the prescribing professional which documents that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed.

If the school district employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party must assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting and enter into the student's school health record a plan to implement safe possession and use of asthma inhalers;

~~6. Medications:~~

- ~~a. that are used off school grounds;~~

- ~~b. that are used in connection with athletics or extracurricular activities; or~~
  - ~~c. that are used in connection with activities that occur before or after the regular school day~~
- ~~are not governed by this policy.~~

**C. Nonprescription Medication**

A secondary student may possess and use nonprescription pain relief in a manner consistent with the labeling, if the school district has received written authorization from the student's parent or guardian permitting the student to self-administer the medication. The parent or guardian must submit written authorization for the student to self-administer the medication each school year. The school district may revoke a student's privilege to possess and use nonprescription pain relievers if the school district determines that the student is abusing the privilege. This provision does not apply to the possession or use of any drug or product containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients. Except as stated in this paragraph, only prescription medications are governed by this policy.

**D. Possession and Use of Epinephrine Auto-Injectors**

At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed epinephrine auto-injectors that enables the student to:

1. possess epinephrine auto-injectors; or
2. if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine auto-injectors in close proximity to the student at all times during the instructional day.

For the purposes of this policy, "instructional day" is defined as a day when all students in a school and grade are required to attend and participate in school activities. The length of the day is the number of minutes that students are required to attend and participate in instructional activities.

**[NOTE: Minnesota law states that "the school board of the school district must define instructional day for the purposes of Minnesota Statutes, 121A.2205." A sample definition appears above. School districts can create a definition that fits their circumstances.]**

The plan must designate the school staff responsible for implementing the student's health plan, including recognizing anaphylaxis and administering epinephrine auto-injectors when required, consistent with state law. This health plan may be included in a student's Section 504 plan.

Districts and schools may obtain and possess epinephrine auto-injectors to be maintained and administered by school personnel, including a licensed nurse, to a student or other individual if, in good faith, it is determined that person is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for an epinephrine auto-injector. The administration of an epinephrine auto-injector in accordance with Minnesota Statutes, section 121A.2207 is not the practice of medicine.

**Commented [4]:** We must define instructional day for our district in this policy. I pulled MDE's definition of instructional day and also pulled their wordage for the length of the day. In this policy we want to make sure we are include some wordage on length of day because the between buildings the minutes are slightly different. Open to suggestions.

Effective July 1, 2024, registered nurses may administer epinephrine auto-injectors in a school setting according to a condition-specific protocol as authorized under Minnesota Statutes, section 148.235, subdivision 8. Notwithstanding any limitation in Minnesota Statutes, sections 148.171 to 148.285, licensed practical nurses may administer epinephrine auto-injectors in a school setting according to a condition-specific protocol that does not reference a specific patient and that specifies the circumstances under which the epinephrine auto-injector is to be administered, when caring for a patient whose condition falls within the protocol.

**[NOTE: The paragraph above was signed into law in May 2024. It is new model policy language.]**

A district or school may enter into arrangements with manufacturers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market, free, or reduced prices. A third party, other than a manufacturer or supplier, may pay for a school's supply of epinephrine auto-injectors.

**Commented [5]:** Dr. David Haugland has signed our condition specific protocol for LPNs and RNs to administer stock Epi if needed. Previous legislation only allowed RNs to administer, new statute allows LPNs (which our district employees) to also administer with this protocol.

E. Sunscreen

A student may possess and apply a topical sunscreen product during the school day while on school property or at a school-sponsored event without a prescription, physician's note, or other documentation from a licensed health care professional. School personnel are not required to provide sunscreen or assist students in applying sunscreen.

~~L. "Parent" for students 18 years old or older is the student.~~

E. Procedure regarding unclaimed drugs or medications

1. The school district has adopted the following procedure for the collection and transport of any unclaimed or abandoned prescription drugs or medications remaining in the possession of school personnel in accordance with this policy. Before the transportation of any prescription drug or medication under this policy, the school district shall make a reasonable attempt to return the unused prescription drug or medication to the student's parent or legal guardian. Transportation of unclaimed or unused prescription drugs or medications will occur at least annually, but may occur more frequently at the discretion of the school district.
2. If the unclaimed or abandoned prescription drug is not a controlled substance as defined under Minnesota Statutes section 152.01, subdivision 4, or is an over-the-counter medication, the school district will either designate an individual who shall be responsible for transporting the drug or medication to a designated drop-off box or collection site or request that a law enforcement agency transport the drug or medication to a drop-off box or collection site on behalf of the school district.
3. If the unclaimed or abandoned prescription drug is a controlled substance as defined in Minnesota Statutes section 152.01, subdivision 4, the school district or school personnel is prohibited from transporting the prescription drug to a drop-off box or collection site for prescription drugs identified under this paragraph. The school district must request that a law enforcement agency transport the prescription drug or medication to a collection bin that complies with Drug Enforcement Agency regulations, or if a site is not available, under the agency's procedure for transporting drugs.

**IV. ACCESS TO SPACE FOR MENTAL HEALTH CARE THROUGH TELEHEALTH**

A. Beginning October 1, 2024, to the extent space is available, the school district must provide an enrolled secondary school student with access during regular school hours,

and to the extent staff is available, before or after the school day on days when students receive instruction at school, to space at the school site that a student may use to receive mental health care through telehealth from a student's licensed mental health provider. A secondary school must develop a plan with procedures to receive requests for access to the space.

- B. The space must provide a student privacy to receive mental health care.
- C. A student may use a school-issued device to receive mental health care through telehealth if such use is consistent with the district or school policy governing acceptable use of the school-issued device.
- D. A school may require a student requesting access to space under this section to submit to the school a signed and dated consent from the student's parent or guardian, or from the student if the student is age 16 or older, authorizing the student's licensed mental health provider to release information from the student's health record that is requested by the school to confirm the student is currently receiving mental health care from the provider. Such a consent is valid for the school year in which it is submitted.

**[NOTE: The Minnesota legislature enacted Article IV in the spring 2024.]**

**Legal References:** Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 121A.21 (School Health Services Hiring of Health Personnel)  
Minn. Stat. § 121A.216 (Access to Space for Mental Health Care through Telehealth)  
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)  
Minn. Stat. § 121A.2205 (Possession and Use of Epinephrine Auto-Injectors; Model Policy)  
Minn. Stat. § 121A.2207 (Life-Threatening Allergies in Schools; Stock Supply of Epinephrine Auto-Injectors)  
Minn. Stat. § 121A.221 (Possession and Use of Asthma Inhalers by Asthmatic Students)  
Minn. Stat. § 121A.222 (Possession and Use of Nonprescription Pain Relievers by Secondary Students)  
Minn. Stat. § 121A.223 (Possession and Use of Sunscreen)  
Minn. Stat. § 148.171 (Definitions; Title)  
Minn. Stat. § 151.212 (Label of Prescription Drug Containers)  
Minn. Stat. § 152.01 (Definitions)  
Minn. Stat. § 152.22 (Definitions)  
Minn. Stat. § 152.23 (Limitations)  
Minn. Rule 8710.6100 (School Nurse)  
Minn. Stat. § 144.3431 (Nonresidential Mental Health Services)  
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)

**Cross References:** MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

Policy Adopted: July 8, 2002, revised February 9, 2009, revised August 2021, revised May 2023

Independent School District No. 110  
Waconia, MN 55387

**Commented [6]:** We have spaces and chrome books available, and are currently working on the procedure for students to request access

**Commented [7]:** Checked with Terry Morrow from MSBA regarding this clause and states the this is legislative language and the district can decide if they would like to seek legal counsel from our attorney about whether or not to see consent forms.

Also, if a student is 16 and older and requests to work with a mental health care worker on their own, do we need to alert parents of them missing class? Terry Morrow's response is that in combination with policy 503, he doesn't feel that this would be regarded as an "attendance issue."

**Commented [8]:** Added this citation related to MN statute that allows youth who are 16 years of age or older to consent to outpatient mental health services

8.A.4. 532 Use of Peace Officers and Crisis  
Teams

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

**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.]*

**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 students** 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. "Physical holding" means physical intervention intended to hold a child immobile or limit a child's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a child in order to protect a child or other individual from physical injury.~~

~~[NOTE: This definition is added to provide clarity for discussion of physical holds later in this policy and in light of recent Minnesota legislative action.]~~

- ~~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. “School Resource Officer” means a peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer’s regular responsibilities through the terms of a contract entered between the peace officer’s employer and the designated school district or charter school.

[NOTE: The 2024 Minnesota legislature enacted this definition of “school resource officer.” MSBA deleted the definition “police liaison officer” as part of this change. School districts should use the term that reflects their local circumstances.]

G. “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).

H. 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 school resource officer or a peace officer.

##### B. Removal By Police Liaison School Resource 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 school resource 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~~ school resource 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~~ school resource 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 above and 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)  
[Minn. Stat. § 626.8482 \(School Resource Officers; Duties; Training; Model Policy\)](#)  
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 [and Prone Restraint](#))  
[MSBA/MASA Model Policy 507.5 \(School Resource Officers\)](#)

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, revised September 2023  
Independent School District No. 110  
Waconia, MN

8.A.5. 535 Service Animals in Schools

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

## **535 SERVICE ANIMALS IN SCHOOLS**

### **I. PURPOSE**

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

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

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

### **III. DEFINITIONS**

#### **A. Service Animal**

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

#### **B. Handler**

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

#### **C. Work or Tasks**

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

#### **D. Trainer**

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

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

A. In general, handlers (i.e., individuals with disabilities or trainers) are permitted to be accompanied by their service animals in all areas of school district properties where members of the public, students, and employees are allowed to go. A handler has the right to be accompanied by a service animal whenever and to the same extent that the handler has the right: (a) to be present on school district property or in school district facilities; (b) to attend or participate in a school-sponsored event, activity, or program; or (c) to be transported in a vehicle that is operated by or on behalf of the school district.

B. It is an unfair discriminatory practice to prohibit a person with a disability from taking a service animal into the public place or conveyance to aid persons with disabilities, and if the service animal is properly harnessed or leashed so that the person with a disability may maintain control of the service animal.

C. The school district shall not require a person with a disability to make an extra payment or pay an additional charge when taking a service animal into any school district building.

**[NOTE: The 2024 Minnesota legislature revised Minn. Stat. 3631.19, as reflected in Paragraphs B. and C.]**

B.

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

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

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

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

#### V. REQUIREMENTS FOR ALL SERVICE ANIMALS

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

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

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

D. The service animal must be housebroken.

E. The service animal must be under the control of its handler at all times. The handler is responsible for the care and supervision of a service animal, including walking the

service animal, feeding the service animal, grooming the service animal, providing veterinary care to the service animal, and responding to the service animal's need to relieve itself, including the proper disposal of the service animal's waste.

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

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

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

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

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

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

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

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

**IX. ALLERGIES; FEAR OF ANIMALS**

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

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

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

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

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

**XII. LIABILITY**

- A. The owner of the service animal or non-service animal is responsible for any harm or injury to an individual and for any property damage caused by the service animal while on school district property.
- B. An individual who, directly or indirectly through statements or conduct, intentionally misrepresents an animal in that person's possession as a service animal may be subject to criminal liability.

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

**Cross References:** MSBA/MASA Policy 402 (Disability Nondiscrimination Policy)  
MSBA/MASA Policy 521 (Student Disability Nondiscrimination)

Policy Adopted: June 2023  
Waconia Public Schools ISD 110  
Waconia MN

8.A.6. 608 Instructional Services - Special  
Education

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

## 608 INSTRUCTIONAL SERVICES – SPECIAL EDUCATION

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

### I. PURPOSE

The purpose of this policy is to set forth the position of the school board on the need to provide special educational services to some students in the school district.

### II. GENERAL STATEMENT OF POLICY

The school board recognizes that some students need special education and further recognizes the importance of providing a free appropriate public education and delivery system for students in need of special education.

### III. CHILDREN BIRTH THROUGH AGE SIX EXPERIENCING DEVELOPMENTAL DELAYS

- A. "Child with a disability" means a 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 Children, Youth, and Families for children from birth through age two and by the rules of the Commissioner of the Minnesota Department of Education for all other children. A licensed physician, an advanced practice registered nurse, a physician assistant, 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.
- B. In addition to Paragraph A, every child under age three and, at local district discretion, every child from age three through age six, who needs special instruction and services, as determined by the rules of the Commissioner of the Minnesota Department of Children, Youth, and Families for children under age three and by the rules of the Commissioner of the Minnesota Department of Education for children ages three through six, because the child has a substantial delay or has a diagnosed physical or mental condition or disorder with a high probability of resulting in developmental delay is a child with a disability.
- C. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner of the Minnesota Department of Children, Youth, and Families for children from birth through age two and by the rules of the Commissioner of the Minnesota Department of Education for all other children, is not a child with a disability.

**[NOTE: The 2024 Minnesota legislature revised these provisions in part to account for the responsibilities of the new Department of Children, Youth, and Families. The provisions quote Minnesota Statutes, section 125A.02.]**

#### **IV. RESPONSIBILITIES**

- A. The school board accepts its responsibility to identify, evaluate, and provide special education and related services for children with a disability who are properly the responsibility of the school district and who meet the criteria to qualify for special education and related services as set forth in Minnesota and federal law.
- B. The school district shall ensure that all qualified children with a disability are provided special education and related services that are appropriate to their educational needs.
- C. When such services require or result from interagency cooperation, the school district shall participate in such interagency activities in compliance with applicable federal and state law.
- D. The school district may conduct an assessment for developmental adapted physical education, as defined in Minnesota Rules, part 3525.1352, as a stand-alone evaluation without conducting a comprehensive evaluation of the student in accordance with prior written notice provisions in Minnesota Statutes, section 125A.091, subdivision 3a. A parent or guardian may request that the school district conduct a comprehensive evaluation of the parent's or guardian's student.

**[NOTE: The 2024 Minnesota legislature enacted paragraph D. This provision is permissive, not mandatory. A school board can decide whether to add it to a policy.]**

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

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

Policy Adopted: January 2004  
revised July 2006, November 2020, December 2022  
Independent School District No. 110  
Waconia, MN

8.A.7. 206 Time, Place, Manner Restrictions and  
Procedures for Public School Board Meetings and  
Public Comments

## **TIME, PLACE, AND MANNER RESTRICTIONS AND PROCEDURES FOR PUBLIC SCHOOL BOARD MEETINGS AND PUBLIC COMMENTS**

**Welcome.** The School Board welcomes input from community members, including letters, emails, and phone calls. For those who prefer to address the School Board directly, the School Board typically sets aside up to thirty minutes for public comment at regular School Board meetings, but not at study sessions or special meetings. Time for public comment at regular School Board meetings is not a requirement of the law; it is something the School Board chooses to provide. The School Board would like to provide the community with some general information about public comment sessions, including the purpose of a public comment session, the procedures that apply, and prohibited conduct.

**Purpose.** The purpose of a public comment period is to give community members an opportunity to provide input directly to the School Board about issues that fall within the School Board's authority. To fulfill this purpose, comments must be directed to the School Board. Public comment is not a time for citizens to speak to the community or to the audience. For this reason, public comment sessions will not be recorded or livestreamed.

**Written Request to Speak.** Individuals who want to speak during a public comment session must submit a written request to speak before 3:00 p.m. on the day of the School Board meeting. Requests must be submitted by email to the following email address: [jkilian@isd110.org](mailto:jkilian@isd110.org)

- The written request must state: (1) the individual's name, (2) **the individual's home address**, (3) whether the individual has a child attending school in the District, (4) whether the individual is employed by the District, and (5) the agenda item, if any, that the individual wishes to discuss during the public comment period.

- In the event that more than ten individuals submit a written request to speak during the public comment session, the School Board will give first priority to individuals who reside in the District, have a child attending school in the District, or are employed by the District. The School Board will give second priority to individuals who wish to address a specific item that is on the agenda for that meeting. After these priorities have been applied, any remaining openings to speak up to the total of ten individuals - will be determined by lot.

**Speakers Must Be Recognized.** The School Board Chair will call speakers to the microphone and will recognize one speaker at a time. Only those individuals who have been recognized by the School Board Chair will be allowed to speak during the public comment period. The School Board Chair will rule out of order individuals who have not been recognized.

**Time Limits.** The public comment period will be held open for up to thirty (30) minutes in total. This time limit is necessary in order to ensure that the School Board is able to conduct its business during the meeting in an orderly, efficient, and timely fashion. Each speaker is permitted to speak for up to three (3) minutes in total. One speaker may not give time to another speaker. Any person who does not get a chance to speak is encouraged to submit written comments to the School Board. Email addresses for School Board members are listed on the District's website.

- Due to time parameters, the sign-up list is limited to 10 speakers

**Cumulative Presentations.** Speakers are encouraged to avoid repeating comments that other speakers have made. Redundant presentations are not helpful and can deprive other individuals of the opportunity to speak during the public comment session.

**Prohibited Conduct.** The following conduct is prohibited during a public School Board meeting, including during the public comment period:

- Speakers may not discuss or disclose any private educational data on any current or former student as defined in Minnesota Statutes section 13 .32. As a result, speakers may not identify any current or former student during public comment. The only exception is that a parent who is speaking may choose to discuss private educational data on their own child.
- Speakers may not make allegations, charges, or complaints against any student or employee. If a person wishes to make an allegation or to file a charge or complaint against a student or employee, the person should make the allegation, charge, or complaint to the Superintendent in writing or in a private meeting, or to the individual designated in District policy to receive the allegation, charge, or complaint. • Speakers may not make comments or gestures that are threatening, profane, lewd, vulgar, obscene, harassing, or abusive.
- Speakers may not make personal attacks against others, including, but not limited to, any student, parent, community member, employee, or School Board member.
- Speakers may not make comments that would violate federal or state law, including laws protecting the privacy rights of an individual.
- Speakers may not comment on specifics of pending contract negotiations, and no comments are allowed related to pending litigation to which the District is a party, including grievance proceedings.
- Speakers may not campaign for or against a political candidate during any part of a public school board meeting.
- Speakers may not promote or advertise products that are for sale or purchase, unless the Board has invited the speaker to present on the product as an agenda item.
- Members of the public may not engage in conduct that materially and substantially disrupts any part of a School Board meeting, or that otherwise impedes the School Board's ability to conduct its business in an orderly and efficient fashion.

The following are examples of conduct that is materially and substantially disruptive or that otherwise 2 impedes the School Board's ability to conduct its business in an orderly and efficient fashion:

- o Making comments that incite violence;
- o Making comments that reasonably instill fear;
- o Interrupting a speaker who has been recognized by the School Board Chair;
- o Making comments from the audience when the person making comments has not been recognized by the School Board Chair;
- o Interrupting the School Board Chair or any other School Board member or school official who is speaking;

- o Holding up a sign or displaying a banner, regardless of the content of the sign or banner;
- o Clapping, cheering, booing, vocalizing approval, or vocalizing disapproval for a speaker during the speaker's presentation, unless a School Board member or school official is presenting an award to a person or is describing an honor or award that a person received;
- o Addressing the audience rather than the School Board;
- o Bringing a weapon into the meeting room or onto school property, except as allowed under Minnesota law;
- o Violating room capacity requirements; and
- o Violating any law or District policy.

**Violations.** If a speaker violates any of established procedure or engages in any prohibited conduct, the Board Chair will rule the speaker out of order.

- If the speaker is presenting to the School Board, the Board Chair may require the speaker to immediately end their presentation.
- If the speaker persists in violating any procedure or rule, the speaker will be directed to leave the premises and not to return, a no trespass order may be issued, and a referral may be made to law enforcement.
- If repeated disruptions occur during the public comment period, the School Board Chair may call a recess and order that the room be cleared until the meeting resumes. 3
- If repeated disruptions occur, any School Board member may make a motion to immediately end the public comment period. If the motion passes, citizens may use alternative avenues of communication to share their views with the School Board, including written communications.
- If repeated disruptions occur during multiple meetings, the School Board may vote to suspend public comment at meetings and to require that all public comments be in writing.

**Disorderly Conduct.** The District will refer potential incidents of disorderly conduct to law enforcement. Minnesota Statutes section 609.72 states:

Whoever does any of the following in a public or private place ... knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, is guilty of disorderly conduct, which is a misdemeanor:

\* \* \* \* \*

(3) engages in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others.

**Superintendent Response After Public Comment.** Following public comments, the School Board Chair may ask the Superintendent or a designee to respond or provide clarifying information to the School Board. As a general matter, the School Board will not act on any comments that were made during a meeting and do not relate directly to an agenda item for the meeting.

**Use of School Property.** All property of the District, including District parking lots and other grounds, are considered to be school property. Individuals or groups may not use school property for any purpose

that has not been authorized by the District. Any use of school property must comply with District Policy 902 and all administrative procedures related to that policy.

8.A.8. 704 Development and Maintenance of an  
Inventory of Fixed Assets and a Fixed Asset  
Accounting System

**Presenter:** Pam  
Carman, Director of  
Finance and  
Operations

## **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.

### **V. CAPITALIZATION**

The capital asset threshold is \$5,000 per individual item. For group purchases for technology, furniture, or other equipment that is purchased as a per quantity that otherwise may be below the individual item threshold, the total threshold is \$25,000.

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

*Cross References:* MSBA/MASA Model Policy 702 (Accounting)

Policy Adopted: September 2004, November 2006, August 2020

Revised: September 2023

Independent School District 110

Waconia, MN

704-1

8.A.9. 418 Drug Free Workplace Drug Free School

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

## 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, edible cannabinoid products, and controlled substances without a physician's prescription.

### II. GENERAL STATEMENT OF POLICY

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

### III. DEFINITIONS

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

- D. “Nonintoxicating cannabinoid” means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation, ingestion, or by any other immediate means.
- E. “Medical cannabis” means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method approved by the Commissioner of the Minnesota Department of Health (“Commissioner”).
- F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- G. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.
- H. “Sell” means to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.
- I. “Toxic substances” includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the Commissioner.
- 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 Minnesota Statutes, section 624.701, subdivision 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.
- D. The school district may not refuse to enroll or otherwise penalize a patient or person enrolled in the Minnesota Patient Registry Program as a pupil solely because the patient or person is enrolled in the registry program, unless failing to do so would violate federal law or regulations or cause the school to lose a monetary or licensing-related benefit under federal law or regulations.

[NOTE: The 2024 Minnesota legislature amended this law to add this protection]

## 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 Minnesota Statutes, section 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~~ their supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that ~~he~~

~~or she has~~ they have 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 United States Code, section 8103; 34 Code of Federal Regulations 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 Minnesota Statute, section 624.701, subdivision. 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

## VI. SCHOOL PROGRAMS

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

not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

- B. School district efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10 and 120B.11.
- C. Notwithstanding any law to the contrary, the school district shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. The district must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

## VII. ENFORCEMENT

### A. Students

- 1. Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and nonintoxicating cannabinoids, and edible cannabinoid products.
- 2. Students 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 ~~their his or her~~ supervisor in writing of ~~the employee's 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)
  - Minn. Stat. § 152.23 (Limitations; Medical Cannabis)
  - Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)
  - Minn. Stat. § 340A.101 (Definitions; Alcoholic Beverage)
  - Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
  - Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
  - Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)
  - Minn. Stat. § 342.56 (Limitations)
  - Minn. Stat. § 609.684 (Abuse of Toxic Substances)
  - Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)
  - 20 U.S.C. § 7101-7122 (Student Support and Academic Enrichment Grants)
  - 21 U.S.C. § 812 (Schedules of Controlled Substances)
  
  - 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
  - 21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
  - 34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

- Cross References:***
- MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
  - MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)

MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 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 2019, September 2023

Independent School Dist No. 110

Waconia, MN

9. **BOARD COMMITTEE REPORTS**

9.A. Self-Governance & Superintendent Relations  
Committee

9.B. Finance & Facilities Committee

9.C. Policy & Advocacy Committee

9.D. Schools Advocating for Fair Funding (SAFF)  
Representative

9.E. Southwest Metro Intermediate District 288  
Representative

9.F. MSHSL Representative

9.G. Special Education Advisory Council

9.H. Community Education Advisory Council  
Representative

9.I. Teaching & Learning Advisory Council  
Representative

9.J. City of Waconia Liaison

10. **ADJOURNMENT**