



Independent School District #146
Regular School Board Meeting
7:00 PM on November 20, 2023
Barnesville High School
302 3rd Street South
Barnesville, MN 56514

1. Call to Order

The meeting was called to order by Chair Dion Bredman at 7:00 pm.

2. Roll Call

Board Members present: Dave Herbranson, Andy Maier, Dion Bredman, Marla Field, Ryan Lindbom and Superintendent Ellerbusch. Members absent: Crystal Hederson and Jacob Thompson

Guest present: Todd Henrickson, Bryan Strand, Aaron Schindler, Erin Ellingson, Mitch Lamphere, Ley Bouchard, Kelsey and Mya Haspel, Jodi Samuelson and Brooke Fradet

3. Pledge of Allegiance

4. Approval of Agenda

5. Approval of Minutes

1. Call to Order

The Board Meeting was called to order by Chair Bredman at 7:01 PM.

2. Roll Call

Board members present: Marla Field, Ryan Lindbom, Crystal Henderson, Dion Bredman, David Herbranson and Superintendent Ellerbusch. Jacob Thompson arrived at 7:30 PM.

Guests present: Erin Ellingson, Todd Henrickson, Bryan Strand, Ley Bouchard, Chris Messer, Holly Kirkeide, Jodi Samuelson and Brooke Fradet

3. Pledge of Allegiance

4. Approval of Agenda

Vote to approve the agenda as presented/amended. This motion, made by Marla Field and seconded by David Herbranson, Passed.

5. Approval of Minutes

Vote to approve the minutes of the regular school board meeting on September 18, 2023 as presented/amended. This motion, made by Ryan Lindbom and seconded by Crystal Henderson, Passed.

6. Claims, Accounts and Financial

Vote to approve claims, wires and all other financial reports as presented. This motion, made by David Herbranson and seconded by Marla Field, Passed.

7. Appreciation, Recognition and Presentations

7.A. Executive Summary of FY23 Audit

Motion to approve the FY 2023 Audit presented by Eide Bailly. This motion, made by Marla Field and seconded by Ryan Lindbom, Passed.

8. Recognition of Citizens for Input Purposes

9. Reports/News

9.A. High School Principal's Report

9.B. Elementary Principal's Report

9.C. Director of Student Activities and Community Education Coordinator's Report

9.D. Superintendent's Report

9.E. Board Committee Reports

10. Removal of Consent Items for Discussion

11. Approval of Consent Items

Vote to approve the consent agenda items as presented/amended moving addendum items 13.A.-F to the consent agenda. This motion, made by Ryan Lindbom and seconded by Jacob Thompson, Passed.

11.A. Personnel

11.A.1) Ruth Johnson's Resignation as Kitchen Helper

11.A.2) Annika Fradet as Kids Club Student Worker

11.A.3) Olivia Power as Kids Club Student Worker

11.B. Donations

11.B.1) \$1,875 Donation from Games to Go Moorhead for Spanish Trip

11.B.2) \$250 Donation from Schumacher Fishing Team for Fishing Team Jerseys

11.B.3) \$250 Donation from Barnesville Potato Days for Class of 2026

11.B.4) \$250 Donation from Barnesville Potato Days for Class of 2027

11.B.5) \$40 Donation from Bell Bank (custom debit cards) to General Fund

12. New Business

12.A. Fundraisers for SY2023-24

Vote to approve the fundraisers for the 2023-2024 school year. This motion, made by David Herbranson and seconded by Jacob Thompson, Passed.

13. Addendum

13.A. Amanda Scheffler as 7th Grade Girls Basketball Coach

13.B. Ben Del Greco as 8th Grade Boys Basketball Coach

13.C. Peyton Boom as Volunteer Girls Basketball Coach

13.D. Paul Anderson as Volunteer Wrestling Coach

13.E. Jenson Beachy's Resignation as JV Boys Basketball Coach

13.F. Adam Tonsfeldt as JV Boys Basketball Coach

13.G. FY 2023 Audit by Eide Bailly LLP

14. School District Policies

14.A. First Reading of Policies

14.B. Second Reading of Policies

14.C. Approval of Policies

Motion to approve policies as presented. This motion, made by Marla Field and seconded by Crystal Henderson, Passed.

15. Discussion/Information

15.A. MSBAIT Election of Trustees

15.B. Expiring Operating Referendum

16. Enrollment Update

17. Dates to Remember

17.A. Regular School Board Meeting

17.A.1) Monday, November 20, 2023, 7:00 PM, Barnesville High School

18. Adjournment

Vote to adjourn the meeting at 7:54 PM. This motion, made by David Herbranson and seconded by Marla Field, Passed.

TREASURER'S REPORT

		<u>2023-24</u>	<u>2022-23</u>
Book Balance 10/1/23		\$487,404.38	\$588,839.30
Receipts			
10/2/2023	406,302.15		
10/3/2023	2,462.49		
10/4/2023	4,087.89		
10/5/2023	1,949.83		
10/6/2023	1,830.72		
10/10/2023	13,179.42		
10/11/2023	7,041.58		
10/12/2023	857.08		
10/13/2023	434.31		
10/16/2023	2,236.98		
10/17/2023	1,895.21		
10/18/2023	914,216.30		
10/19/2023	619.80		
10/20/2023	793.17		
10/23/2023	426.51		
10/24/2023	1,762.15		
10/25/2023	3,230.67		
10/26/2023	4,367.61		
10/27/2023	1,238.38		
10/30/2023	233,028.98		
10/31/2023	2,173.76		
Net In Transit	(1,118.10)	<u>\$1,603,016.89</u>	<u>\$1,256,712.30</u>
		\$2,090,421.27	\$1,845,551.60
Disbursements		<u>\$1,347,596.76</u>	<u>\$1,211,357.47</u>
Book Balance	10/31/2023	\$742,824.51	\$634,194.13
Student Activities		\$165,148.20	\$180,884.41
MSDLAF Investment		\$3,965,097.71	\$3,439,353.48
2019A Bond Investments		\$98,687.89	\$768,420.57
2023 Bond Investments		\$1,571,756.75	\$0.00
Midwest Money Market		<u>\$650,654.56</u>	<u>\$933,836.10</u>
Actual Balance		<u><u>\$7,194,169.62</u></u>	<u><u>\$5,956,688.69</u></u>

FUND	BEGINNING BALANCE	RECEIPTS	DISBURSEMENTS	BALANCE	BALANCE
General	\$4,058,588.95	\$1,124,429.63	\$1,253,930.26	\$3,929,088.32 *	\$3,596,868.18 ^
Student Activities	\$159,177.50	\$22,439.86	\$16,469.16	\$165,148.20	\$180,884.41
Food Service	\$131,508.69	\$75,019.25	\$87,050.64	\$119,477.30	\$268,985.51
Community Service	(\$36,121.54)	\$25,937.92	\$32,092.37	(\$42,275.99)	(\$82,064.92)
Building Construction	\$2,007,988.96	\$8,194.11	\$347,108.43	\$1,669,074.64	\$768,420.57
Debt Service	\$1,065,239.18	\$288,417.97	\$0.00	\$1,353,657.15	\$1,223,594.94
Total	<u>\$7,386,381.74</u>	<u>\$1,544,438.74</u>	<u>\$1,736,650.86</u>	<u>\$7,194,169.62</u>	<u>\$5,956,688.69</u>

* General Fund balance includes \$1,667,880 of restricted/committed funds.

^ General Fund balance includes \$1,515,263 of restricted/committed funds.

Minnesota School District Liquid Asset Fund Plus
October 2023

Max Account	\$3,166,092.68
Liquid Account	\$77,005.03
2023 Bond Proceeds	\$1,571,756.75
Certificate of Deposit	\$722,000.00

Investment Date	Institution	Maturity Date	Rate	Investment Amount	Value at Maturity
6/26/2023	Global Bank, NY	6/25/2024	5.55%	\$236,000.00	\$249,098.00
7/17/2023	Financial Federal Savings Bank, TN	7/16/2024	5.70%	\$150,000.00	\$158,550.00
8/2/2023	Fieldpoint Private Bank & Trust, CT	8/1/2024	5.75%	\$100,000.00	\$105,750.00
4/4/2023	First Internet Bank of Indiana, IN	4/3/2024	5.59%	\$236,000.00	\$249,192.40
Total Minnesota School District Liquid Asset Fund Plus					\$5,536,854.46

Midwest Bank
P.O. Box 703
Detroit Lakes, MN 56502



RETURN SERVICE REQUESTED

Independent School Dist 146
PO Box 189
Barnesville, MN 56514

Contact Us
218-847-4771
www.midwestbank.net



Account
Independent School Dist 146

Date
10/31/2023

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IntraFi Cash ServiceSM, or ICS[®], Monthly Statement

The following information is a summary of activity in your account(s) for the month of October 2023 and the list of FDIC-insured institution(s) that hold your deposits as of the date indicated. These deposits have been placed by us, as your agent and custodian, in deposit accounts through IntraFi Cash Service. Funds in your deposit accounts at the FDIC-insured institutions at which your funds have been placed will be "deposits," as defined by federal law.

If you have any questions regarding your ICS statement, please contact your local Midwest Bank office.

Summary of Accounts

Account ID	Deposit Option	Interest Rate	Opening Balance	Ending Balance
*****648	Savings	2.28%	\$98,496.99	\$98,687.89
TOTAL			\$98,496.99	\$98,687.89

Date
10/31/2023

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DETAILED ACCOUNT OVERVIEW

Account ID: *****648

Account Title: Independent School Dist 146

Account Summary - Savings

Statement Period	10/1-10/31/2023	Average Daily Balance	\$98,503.15
Previous Period Ending Balance	\$98,496.99	Interest Rate at End of Statement Period	2.28%
Total Program Deposits	0.00	Statement Period Yield	2.31%
Total Program Withdrawals	(0.00)	YTD Interest Paid	4,788.69
Interest Capitalized	190.90		
Current Period Ending Balance	\$98,687.89		

Account Transaction Detail

Date	Activity Type	Amount	Balance
10/31/2023	Interest Capitalization	\$190.90	\$98,687.89

Summary of Balances as of October 31, 2023

FDIC-Insured Institution	City/State	FDIC Cert No.	Balance
Western Alliance Bank	Phoenix, AZ	57512	\$98,687.89

Barnesville Public Schools #146
Revenue Guideline by Source
Period Ending October 31, 2023

Sequence: Fd, O/S

		B24					% YTD	Remaining
Description		Annual Budget	Period 202404	Year To Date	% YTD	Encumbrances	+ Enc	Balance
01	General Fund							
001	Levies	(1,200,930.00)	(78,555.50)	(78,555.50)	7%	0.00	7%	(1,122,374.50)
004	Tax Increment Finance Revenue	(10,850.00)	0.00	0.00	0%	0.00	0%	(10,850.00)
010	County Apport	(23,260.00)	(36.40)	(59.33)	0%	0.00	0%	(23,200.67)
019	Misc Local	(20,810.00)	0.00	0.00	0%	0.00	0%	(20,810.00)
021	Revenue from MN Dist	(123,100.00)	(549.05)	(549.05)	0%	0.00	0%	(122,550.95)
050	Fees from Patrons	(54,900.00)	(780.00)	(17,780.00)	32%	0.00	32%	(37,120.00)
060	Student Activity	(114,300.00)	(9,366.21)	(47,067.50)	41%	0.00	41%	(67,232.50)
061	Entry Fee	(9,500.00)	(1,225.00)	(1,225.00)	13%	0.00	13%	(8,275.00)
071	Med Assist Fr Dept of HS	(75,000.00)	(2,885.64)	(12,515.21)	17%	0.00	17%	(62,484.79)
092	Interest	(96,000.00)	(15,577.36)	(61,004.42)	64%	0.00	64%	(34,995.58)
093	Rent Facilities	(10,000.00)	0.00	(165.00)	2%	0.00	2%	(9,835.00)
096	Gifts/Bequests	(29,000.00)	(40.00)	(1,170.00)	4%	0.00	4%	(27,830.00)
099	Misc Revene	(25,880.00)	(1,255.32)	(6,083.32)	24%	0.00	24%	(19,796.68)
201	Endowment Fund Appr	(41,100.00)	0.00	(26,301.88)	64%	0.00	64%	(14,798.12)
211	Foundation Aid	(7,919,210.00)	(211,649.11)	(1,510,549.82)	19%	0.00	19%	(6,408,660.18)
212	Literacy Incentive Aid	(63,420.00)	0.00	3,804.90	(6%)	0.00	(6%)	(67,224.90)
213	Shared Time	0.00	(8,029.71)	(8,029.71)	0%	0.00	0%	8,029.71
227	Abatement	(1,430.00)	0.00	0.00	0%	0.00	0%	(1,430.00)
229	Disparity Reduction	(50.00)	0.00	4.85	(10%)	0.00	(10%)	(54.85)
234	Hmstd/Ag Market Value Credit	(5,820.00)	0.00	582.13	(10%)	0.00	(10%)	(6,402.13)
317	LTFM State Aid	(67,900.00)	0.00	4,073.85	(6%)	0.00	(6%)	(71,973.85)
360	Spec Ed General	(1,106,260.00)	0.00	(100,814.45)	9%	0.00	9%	(1,005,445.55)
370	Misc Rev fm MDE	(40,000.00)	(97,000.00)	(87,827.04)	220%	0.00	220%	47,827.04
400	Federal Funds and Grants	(222,210.00)	0.00	0.00	0%	0.00	0%	(222,210.00)
401	Federal Funds & Grants	(52,650.00)	0.00	0.00	0%	0.00	0%	(52,650.00)
405	Fed.thru Fiscal Agnt	0.00	(3,256.00)	(3,256.00)	0%	0.00	0%	3,256.00
619	COM Rev Producing Act (Contra)	45,000.00	8,034.69	13,746.36	31%	0.00	31%	31,253.64
620	Sale Mat-Rev Producing Act	(90,000.00)	(11,819.50)	(22,470.50)	25%	0.00	25%	(67,529.50)
621	Sale Mat-Resale Mat	(10,350.00)	(702.35)	(1,084.27)	10%	0.00	10%	(9,265.73)

Barnesville Public Schools #146
Revenue Guideline by Source
Period Ending October 31, 2023

Sequence: Fd, O/S

		B24					% YTD	Remaining
Description		Annual Budget	Period 202404	Year To Date	% YTD	Encumbrances	+ Enc	Balance
01	General Fund							
624	Sale of Equipment	(5,000.00)	0.00	(770.00)	15%	0.00	15%	(4,230.00)
625	Insurance Recovery	(5,000.00)	0.00	0.00	0%	0.00	0%	(5,000.00)
01	General Fund	(11,378,930.00)	(434,692.46)	(1,965,065.91)	17%	0.00	17%	(9,413,864.09)
02	Food Service							
092	Interest	(1,000.00)	0.00	0.00	0%	0.00	0%	(1,000.00)
099	Misc Revene	(1,300.00)	0.00	0.00	0%	0.00	0%	(1,300.00)
300	State & Grants	(406,500.00)	(45,534.34)	(45,534.34)	11%	0.00	11%	(360,965.66)
369	Rev-Other State Agen	0.00	0.00	(22,317.00)	0%	0.00	0%	22,317.00
400	Federal Funds and Grants	(6,000.00)	(1,025.44)	(2,080.93)	35%	0.00	35%	(3,919.07)
471	School Lunch Fed	(100,000.00)	(6,273.60)	(6,273.60)	6%	0.00	6%	(93,726.40)
472	Free & Reduced Meals	(70,000.00)	(12,381.40)	(12,381.40)	18%	0.00	18%	(57,618.60)
473	Commodity Cash Program	(200.00)	(213.58)	(213.58)	107%	0.00	107%	13.58
474	Commodities	(35,000.00)	0.00	0.00	0%	0.00	0%	(35,000.00)
476	Breakfast Revenue	(25,000.00)	(3,911.54)	(3,911.54)	16%	0.00	16%	(21,088.46)
477	Cash In Lieu Commod	(170.00)	0.00	(207.09)	122%	0.00	122%	37.09
601	Type A Pupil	(65,000.00)	(4,925.30)	(38,942.49)	60%	0.00	60%	(26,057.51)
606	Type A Adult	(3,530.00)	(648.45)	(1,118.70)	32%	0.00	32%	(2,411.30)
02	Food Service	(713,700.00)	(74,913.65)	(132,980.67)	19%	0.00	19%	(580,719.33)
04	Community Service							
001	Levies	(58,730.00)	(5,027.07)	(5,027.07)	9%	0.00	9%	(53,702.93)
019	Misc Local	(50.00)	0.00	0.00	0%	0.00	0%	(50.00)
021	Revenue from MN Dist	(14,000.00)	0.00	0.00	0%	0.00	0%	(14,000.00)
050	Fees from Patrons	(327,500.00)	(21,111.00)	(126,430.00)	39%	0.00	39%	(201,070.00)
092	Interest	(180.00)	0.00	0.00	0%	0.00	0%	(180.00)
096	Gifts/Bequests	(25,000.00)	0.00	(600.00)	2%	0.00	2%	(24,400.00)
227	Abatement	(10.00)	0.00	0.00	0%	0.00	0%	(10.00)
229	Disparity Reduction	(130.00)	0.00	0.63	(0%)	0.00	(0%)	(130.63)
234	Hmstd/Ag Market Value Credit	(1,570.00)	0.00	75.35	(5%)	0.00	(5%)	(1,645.35)
258	Wetland & Native	(20.00)	0.00	0.00	0%	0.00	0%	(20.00)

Barnesville Public Schools #146
Revenue Guideline by Source
Period Ending October 31, 2023

Sequence: Fd, O/S

		B24					% YTD	Remaining
Description		Annual Budget	Period 202404	Year To Date	% YTD	Encumbrances	+ Enc	Balance
04	Community Service							
300	State & Grants	(78,730.00)	0.00	(26,852.70)	34%	0.00	34%	(51,877.30)
301	Non-Public Aid	(370.00)	0.00	25.62	(7%)	0.00	(7%)	(395.62)
04	Community Service	(506,290.00)	(26,138.07)	(158,808.17)	31%	0.00	31%	(347,481.83)
06	Building Construction							
092	Interest	(25,000.00)	(8,194.11)	(37,329.78)	149%	0.00	149%	12,329.78
06	Building Construction	(25,000.00)	(8,194.11)	(37,329.78)	149%	0.00	149%	12,329.78
07	Debt Redemption							
001	Levies	(1,592,230.00)	(145,779.28)	(145,779.28)	9%	0.00	9%	(1,446,450.72)
019	Misc Local	(1,500.00)	0.00	0.00	0%	0.00	0%	(1,500.00)
092	Interest	(500.00)	0.00	0.00	0%	0.00	0%	(500.00)
229	Disparity Reduction	(200.00)	(184.09)	(713.64)	357%	0.00	357%	513.64
234	Hmstd/Ag Market Value Credit	(27,300.00)	(3,819.89)	(12,552.97)	46%	0.00	46%	(14,747.03)
258	Wetland & Native	(682,590.00)	(124,875.02)	(431,241.14)	63%	0.00	63%	(251,348.86)
317	LTFM State Aid	(86,700.00)	(12,997.82)	(47,420.06)	55%	0.00	55%	(39,279.94)
07	Debt Redemption	(2,391,020.00)	(287,656.10)	(637,707.09)	27%	0.00	27%	(1,753,312.91)
21	Student Activities Fund							
099	Misc Revene	(200,000.00)	0.00	0.00	0%	0.00	0%	(200,000.00)
21	Student Activities Fund	(200,000.00)	0.00	0.00	0%	0.00	0%	(200,000.00)
Report Totals:		(15,214,940.00)	(831,594.39)	(2,931,891.62)	19%	0.00	19%	(12,283,048.38)

Barnesville Public Schools #146
Exp Summary - Fd, Pro
Period Ending October 31, 2023

Sequence: Fd, Pro

		B24					% YTD	Remaining
Description		Annual Budget	Period 202404	Year To Date	% YTD	Encumbrances	+ Enc	Balance
01	General Fund							
010	Board-Education	50,350.00	1,391.41	17,155.56	34%	0.00	34%	33,194.44
020	Office/Supt	287,330.00	22,177.66	90,311.81	31%	0.00	31%	197,018.19
050	School Admin	495,560.00	39,925.98	150,249.29	30%	0.00	30%	345,310.71
105	General Adm. Support	7,760.00	510.24	2,400.96	31%	0.00	31%	5,359.04
108	Administrative Tech Services	15,000.00	4,178.64	4,178.64	28%	0.00	28%	10,821.36
110	Business Services	269,090.00	22,236.01	119,169.55	44%	7,329.00	47%	142,591.45
200	Class Size Reduction	24,330.00	0.00	0.00	0%	0.00	0%	24,330.00
201	Kindergarten	349,390.00	29,885.24	61,026.92	17%	1,223.20	18%	287,139.88
203	Elem Ed	226,640.00	21,810.93	98,318.01	43%	10,669.08	48%	117,652.91
204	First Grade	399,700.00	31,871.05	68,799.30	17%	30.97	17%	330,869.73
205	Second Grade	346,400.00	27,231.89	57,822.63	17%	212.12	17%	288,365.25
206	Third Grade	288,300.00	23,903.94	49,190.01	17%	0.00	17%	239,109.99
207	Fourth Grade	283,660.00	21,695.82	45,319.19	16%	49.05	16%	238,291.76
208	Fifth Grade	288,320.00	24,804.34	50,866.13	18%	11.49	18%	237,442.38
209	Sixth Grade	243,480.00	19,386.73	40,819.01	17%	0.00	17%	202,660.99
211	Secondary Ed-Gen	150,590.00	9,419.87	41,550.04	28%	11,132.39	35%	97,907.57
212	Art	148,960.00	12,783.22	25,116.89	17%	0.00	17%	123,843.11
213	Agriculture - Non Vocational	10,940.00	1,860.23	2,700.55	25%	0.00	25%	8,239.45
215	Business	800.00	0.00	0.00	0%	0.00	0%	800.00
216	Educ. Disadvantaged	96,400.00	8,489.34	16,989.88	18%	0.00	18%	79,410.12
217	Assurance of Mastery	0.00	3,150.10	6,402.72	0%	0.00	0%	(6,402.72)
218	Gifted And Talented	8,600.00	0.00	0.00	0%	0.00	0%	8,600.00
220	English	232,380.00	22,462.67	48,706.71	21%	0.00	21%	183,673.29
230	Foreign Language	65,830.00	5,261.09	10,521.73	16%	0.00	16%	55,308.27
240	Health/Phys Ed	258,860.00	20,415.54	40,784.86	16%	100.00	16%	217,975.14
249	Dr Trg/behind Wheel	16,650.00	0.00	0.00	0%	0.00	0%	16,650.00
250	FACS	44,780.00	1,564.44	1,564.44	3%	0.00	3%	43,215.56
254	Barneville Branderz	3,000.00	0.00	0.00	0%	0.00	0%	3,000.00
255	Industrial Educ	111,900.00	13,799.67	24,507.15	22%	624.00	22%	86,768.85

Barnesville Public Schools #146

Exp Summary - Fd, Pro

Period Ending October 31, 2023

Sequence: Fd, Pro

		B24					% YTD	Remaining
Description		Annual Budget	Period 202404	Year To Date	% YTD	Encumbrances	+ Enc	Balance
01	General Fund							
256	Mathematics	290,100.00	24,748.89	49,464.95	17%	0.00	17%	240,635.05
258	Inst Music	68,530.00	5,125.38	10,094.71	15%	1,125.25	16%	57,310.04
259	Vocal Music	156,960.00	14,402.09	29,057.68	19%	0.00	19%	127,902.32
260	Science	310,610.00	24,878.12	49,986.51	16%	0.00	16%	260,623.49
261	Science - River Watch	3,800.00	0.00	0.00	0%	0.00	0%	3,800.00
270	Social-Scienc/Study	286,080.00	22,902.19	45,971.96	16%	0.00	16%	240,108.04
271	Remedial Reading/Lang Arts	109,220.00	15,301.93	26,945.29	25%	0.00	25%	82,274.71
277	Secondary Individualized Instr	31,560.00	0.00	0.00	0%	0.00	0%	31,560.00
288	Flow Thru/Sales	19,500.00	152.00	8,422.68	43%	0.00	43%	11,077.32
289	Flo Thru/Sales	23,800.00	330.71	6,472.08	27%	0.00	27%	17,327.92
292	Boys/Girls Athletic	58,060.00	847.84	17,035.05	29%	384.99	30%	40,639.96
294	Boys Athletics	172,970.00	36,786.75	44,681.43	26%	5,597.95	29%	122,690.62
295	Speech/Debate	2,400.00	0.00	0.00	0%	0.00	0%	2,400.00
296	Girls Athletics	128,990.00	38,602.28	43,741.23	34%	0.00	34%	85,248.77
298	Extra-Curricular	147,480.00	8,825.89	37,906.28	26%	4,510.95	29%	105,062.77
299	Concessions	46,710.00	6,260.34	9,110.24	20%	0.00	20%	37,599.76
301	Agriculture	55,210.00	9,203.90	15,162.95	27%	0.00	27%	40,047.05
331	Consumer Homemaking	44,030.00	1,564.41	1,564.41	4%	0.00	4%	42,465.59
341	Business and Office Education	103,410.00	8,095.24	16,340.46	16%	0.00	16%	87,069.54
400	General Special Education	300.00	337.00	337.00	112%	0.00	112%	(37.00)
401	Speech/Lang.impaired	139,790.00	14,006.78	23,103.73	17%	0.00	17%	116,686.27
402	M.I.-Mild-Moderate	95,600.00	10,538.55	19,709.38	21%	0.00	21%	75,890.62
403	M.I.-Moderate-Severe	155,090.00	6,953.12	13,192.10	9%	0.00	9%	141,897.90
404	Physically Impaired	27,440.00	1,251.44	3,354.75	12%	0.00	12%	24,085.25
405	Deaf-Hard of Hearing	14,300.00	448.75	868.37	6%	0.00	6%	13,431.63
406	Visually Impaired	5,700.00	378.20	378.20	7%	0.00	7%	5,321.80
407	Spec Learning Disabl	212,000.00	18,035.03	34,656.03	16%	0.00	16%	177,343.97
408	Emot/Behavior Disord	117,170.00	13,946.40	24,088.10	21%	0.00	21%	93,081.90
410	Other Health Impair	254,110.00	19,121.07	38,887.07	15%	0.00	15%	215,222.93

Barnesville Public Schools #146
Exp Summary - Fd, Pro
Period Ending October 31, 2023

Sequence: Fd, Pro

		B24					% YTD	Remaining
Description		Annual Budget	Period 202404	Year To Date	% YTD	Encumbrances	+ Enc	Balance
01	General Fund							
411	Autistic	242,930.00	18,634.41	38,890.98	16%	0.00	16%	204,039.02
412	Develop Delayed	13,600.00	342.34	761.98	6%	0.00	6%	12,838.02
416	Multiple Handicap	58,870.00	2,447.37	7,242.07	12%	0.00	12%	51,627.93
420	Special Ed General	98,390.00	19,803.78	20,892.96	21%	890.00	22%	76,607.04
422	Early Intervening Services	159,790.00	8,786.34	24,873.69	16%	0.00	16%	134,916.31
430	Homebound	1,260.00	0.00	0.00	0%	0.00	0%	1,260.00
612	Technology	143,740.00	4,438.06	73,105.74	51%	3,325.00	53%	67,309.26
620	Educ.media/Library	79,840.00	5,754.46	14,067.58	18%	0.00	18%	65,772.42
625	Audio/Visual Dept.	280.00	0.00	0.00	0%	0.00	0%	280.00
630	Instruc-Related Technology	63,330.00	7,812.00	21,383.00	34%	0.00	34%	41,947.00
640	Staff Development	105,450.00	6,184.67	20,723.08	20%	0.00	20%	84,726.92
690	Other Inst Support	28,820.00	0.00	10,100.00	35%	0.00	35%	18,720.00
710	Counseling/Guidance	90,090.00	7,034.47	14,068.52	16%	0.00	16%	76,021.48
715	School Security	4,000.00	67,704.25	117,704.25	2943%	0.00	2943%	(113,704.25)
716	Drug Abuse Prevention	2,000.00	0.00	0.00	0%	0.00	0%	2,000.00
718	Other School Safety	1,500.00	2,129.25	2,129.25	142%	0.00	142%	(629.25)
720	Health Services	88,320.00	8,246.75	18,173.62	21%	411.92	21%	69,734.46
740	Social Work Services	53,890.00	9,504.06	10,141.56	19%	0.00	19%	43,748.44
760	Pupil Transport	722,380.00	74,973.93	152,337.02	21%	0.00	21%	570,042.98
790	Other Pupil Services	99,500.00	8,475.92	8,850.92	9%	0.00	9%	90,649.08
810	Oper/Maintenance	1,137,060.00	43,884.47	344,997.37	30%	494.96	30%	791,567.67
811	Grounds Maint	27,000.00	773.55	7,747.99	29%	0.00	29%	19,252.01
812	Buildings Maint	71,000.00	6,468.76	51,175.04	72%	4,091.22	78%	15,733.74
813	Equip Maint	10,000.00	0.00	3,089.23	31%	0.00	31%	6,910.77
850	Facilities	113,470.00	1,800.00	17,995.73	16%	0.00	16%	95,474.27
865	LTFM Excl'd Costs -Pro 866,867	37,620.00	9,555.00	19,083.97	51%	4,120.00	62%	14,416.03
940	Prop/Other Ins	92,140.00	(8,567.60)	83,632.00	91%	0.00	91%	8,508.00
960	Other Non-Recurring Items	26,280.00	0.00	0.00	0%	0.00	0%	26,280.00
01	General Fund	11,378,470.00	999,446.59	2,728,172.17	24%	56,333.54	24%	8,593,964.29

Barnesville Public Schools #146
Exp Summary - Fd, Pro
Period Ending October 31, 2023

Sequence: Fd, Pro

		B24					% YTD	Remaining
Description		Annual Budget	Period 202404	Year To Date	% YTD	Encumbrances	+ Enc	Balance
02	Food Service							
770	Food Service	713,350.00	86,945.04	160,980.44	23%	0.00	23%	552,369.56
02	Food Service	713,350.00	86,945.04	160,980.44	23%	0.00	23%	552,369.56
04	Community Service							
505	Community Ed	112,230.00	7,843.31	29,828.77	27%	0.00	27%	82,401.23
506	Summer Recreation	73,600.00	951.47	39,525.88	54%	0.00	54%	34,074.12
509	Kids Club	125,050.00	8,775.13	60,341.36	48%	0.00	48%	64,708.64
580	Early Childhood	40,350.00	252.46	252.46	1%	0.00	1%	40,097.54
582	School Readiness	147,990.00	10,678.20	17,500.21	12%	12.71	12%	130,477.08
583	Preschool Screening	3,790.00	0.00	0.00	0%	0.00	0%	3,790.00
585	Youth Dev/Youth Serv	12,420.00	2,978.58	2,978.58	24%	0.00	24%	9,441.42
590	Other Community Programs	600.00	813.37	813.37	136%	0.00	136%	(213.37)
04	Community Service	516,030.00	32,292.52	151,240.63	29%	12.71	29%	364,776.66
06	Building Construction							
870	Bldg/Capital Improv.	2,500,000.00	57,298.43	446,931.73	18%	7,134.05	18%	2,045,934.22
06	Building Construction	2,500,000.00	57,298.43	446,931.73	18%	7,134.05	18%	2,045,934.22
07	Debt Redemption							
910	Debt Redemption	2,274,340.00	0.00	431,275.00	19%	0.00	19%	1,843,065.00
07	Debt Redemption	2,274,340.00	0.00	431,275.00	19%	0.00	19%	1,843,065.00
21	Student Activities Fund							
298	Extra-Curricular	200,000.00	0.00	0.00	0%	0.00	0%	200,000.00
21	Student Activities Fund	200,000.00	0.00	0.00	0%	0.00	0%	200,000.00
Report Totals:		17,582,190.00	1,175,982.58	3,918,599.97	22%	63,480.30	23%	13,600,109.73

FOOD SERVICE REPORT 2023-24

2023-24	September	October	November	December	January	February	March	April	May	2022-23 Average
Beginning Balance	167,493.19	131,508.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	264,060
Receipts	16,630.45	75,019.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	59,327
Disbursements	52,614.95	87,050.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	65,689
Subtotal	131,508.69	119,477.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	257,698
Est. Federal/State Funding Due	68,100.80	74,103.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	22,996
Ending Balance	199,609.49	193,581.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	280,694
Average Daily Participation										
Breakfast										
Elementary	146	157								86
High School	78	94								50
Total	224	252	0	0	0	0	0	0	0	136
Lunch										
Elementary	424	430								399
High School	264	272								240
Total	688	701	0	0	0	0	0	0	0	639

Barnesville Public Schools #146

Detail Payment Register By Check

Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	17576			WEX HEALTH INC		Wire
			B 01	215 024	Flex Plan Medical & Dependent Care		\$110.00
PO#:	Voucher #:	103827	Invoice	Invoice No:	101323	10/17/2023	Paid Amt: \$110.00
							Check Amount: \$110.00
0146	MB	17576			WEX HEALTH INC		Wire
			B 01	215 024	Flex Plan Medical & Dependent Care		\$59.98
PO#:	Voucher #:	103828	Invoice	Invoice No:	101623	10/17/2023	Paid Amt: \$59.98
							Check Amount: \$59.98
0146	MB	17576			WEX HEALTH INC		Wire
			B 01	215 024	Flex Plan Medical & Dependent Care		\$82.61
PO#:	Voucher #:	103854	Invoice	Invoice No:	101023	10/18/2023	Paid Amt: \$82.61
							Check Amount: \$82.61
0146	MB	17576			WEX HEALTH INC		Wire
			B 01	215 024	Flex Plan Medical & Dependent Care		\$439.71
PO#:	Voucher #:	103855	Invoice	Invoice No:	101823	10/19/2023	Paid Amt: \$439.71
							Check Amount: \$439.71
0146	MB	14130			NORTH DAKOTA TAX COMMISSIONER		Wire
			B 01	215 013	State Tax		\$21.51
PO#:	Voucher #:	102619	Invoice	Invoice No:	S2023241	10/19/2023	Paid Amt: \$21.51
			B 01	215 013	State Tax		\$21.51
PO#:	Voucher #:	102631	Invoice	Invoice No:	S2023242	10/19/2023	Paid Amt: \$21.51
			B 01	215 013	State Tax		\$21.51
PO#:	Voucher #:	102645	Invoice	Invoice No:	S2023243	10/19/2023	Paid Amt: \$21.51
			B 01	215 013	State Tax		\$21.51
PO#:	Voucher #:	102656	Invoice	Invoice No:	S2023244	10/19/2023	Paid Amt: \$21.51
			B 01	215 013	State Tax		\$21.13
PO#:	Voucher #:	102862	Invoice	Invoice No:	S202324S40	10/19/2023	Paid Amt: \$21.13
			B 01	215 013	State Tax		\$21.51
PO#:	Voucher #:	102883	Credit	Invoice No:	Z202324S30	10/19/2023	Paid Amt: (\$21.51)
			B 01	215 013	State Tax		\$21.13
PO#:	Voucher #:	103090	Invoice	Invoice No:	S202324S41	10/19/2023	Paid Amt: \$21.13
			B 01	215 013	State Tax		\$43.02
PO#:	Voucher #:	103131	Credit	Invoice No:	Z202324S40	10/19/2023	Paid Amt: (\$43.02)
			B 01	215 013	State Tax		\$21.13
PO#:	Voucher #:	103142	Invoice	Invoice No:	S202324S42	10/19/2023	Paid Amt: \$21.13
			B 01	215 013	State Tax		\$23.50
PO#:	Voucher #:	103462	Invoice	Invoice No:	S2024050	10/19/2023	Paid Amt: \$23.50

Barnesville Public Schools #146

Detail Payment Register By Check

Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	14130			NORTH DAKOTA TAX COMMISSIONER		Wire
			B	01	215 013 State Tax		\$24.10
PO#:	Voucher #:	103545	Invoice	Invoice No:	S2024060	10/19/2023	Paid Amt: \$24.10
							Check Amount: \$132.50
0146	MB	17576			WEX HEALTH INC		Wire
			B	01	215 024 Flex Plan Medical & Dependent Care		\$20.00
PO#:	Voucher #:	103870	Invoice	Invoice No:	101923	10/20/2023	Paid Amt: \$20.00
							Check Amount: \$20.00
0146	MB	17576			WEX HEALTH INC		Wire
			B	01	215 024 Flex Plan Medical & Dependent Care		\$60.00
PO#:	Voucher #:	103871	Invoice	Invoice No:	102023	10/23/2023	Paid Amt: \$60.00
							Check Amount: \$60.00
0146	MB	17576			WEX HEALTH INC		Wire
			B	01	215 024 Flex Plan Medical & Dependent Care		\$1,255.00
PO#:	Voucher #:	103872	Invoice	Invoice No:	102323	10/25/2023	Paid Amt: \$1,255.00
							Check Amount: \$1,255.00
0146	MB	17576			WEX HEALTH INC		Wire
			B	01	215 024 Flex Plan Medical & Dependent Care		\$97.80
PO#:	Voucher #:	103873	Invoice	Invoice No:	102023	10/25/2023	Paid Amt: \$97.80
							Check Amount: \$97.80
0146	MB	17576			WEX HEALTH INC		Wire
			E	01	005 110 000 305 000 Benefits Fees		\$123.75
PO#:	Voucher #:	103880	Invoice	Invoice No:	0001825720-IN	10/25/2023	Paid Amt: \$123.75
							Check Amount: \$123.75
0146	MB	17591			NELNET PAYMENT SERVICES		Wire
			E	01	005 110 000 305 000 ACH Fee		\$25.78
PO#:	Voucher #:	103888	Invoice	Invoice No:	CI-000275836	10/26/2023	Paid Amt: \$25.78
							Check Amount: \$25.78
0146	MB	17576			WEX HEALTH INC		Wire
			B	01	215 024 Flex Plan Medical & Dependent Care		\$260.00
PO#:	Voucher #:	103889	Invoice	Invoice No:	102623	10/30/2023	Paid Amt: \$260.00
							Check Amount: \$260.00
0146	MB	17576			WEX HEALTH INC		Wire
			B	01	215 024 Flex Plan Medical & Dependent Care		\$100.00
PO#:	Voucher #:	103890	Invoice	Invoice No:	102823	10/30/2023	Paid Amt: \$100.00
							Check Amount: \$100.00

Barnesville Public Schools #146

Detail Payment Register By Check

Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	17576			WEX HEALTH INC		Wire
			B 01	215 024	Flex Plan Medical & Dependent Care	\$351.50	
PO#:	Voucher #:	103893	Invoice	Invoice No:	103023	10/31/2023	Paid Amt: \$351.50
							Check Amount: \$351.50
0146	MB	12942			MIDWEST BANK		Wire
			E 01	005 110 000 305 000	Payroll ACH Fee	\$90.25	
PO#:	Voucher #:	103896	Invoice	Invoice No:	103123	10/31/2023	Paid Amt: \$90.25
							Check Amount: \$90.25
0146	MB	17576			WEX HEALTH INC		Wire
			B 01	215 033	Health Savings Account	\$1,218.83	
PO#:	Voucher #:	103910	Invoice	Invoice No:	S2024080	11/6/2023	Paid Amt: \$1,218.83
							Check Amount: \$1,218.83
0146	MB	12851			REMIT EDUCATORS BENEFIT CONSULTANTS		Wire
			B 01	215 005	Tax Sheltered Annuities	\$2,145.94	
PO#:	Voucher #:	103909	Invoice	Invoice No:	S2024080	11/6/2023	Paid Amt: \$2,145.94
							Check Amount: \$2,145.94
0146	MB	12860			MINNESOTA TEACHERS RETIREMENT		Wire
			B 01	215 018	TRA	\$32,925.42	
PO#:	Voucher #:	103908	Invoice	Invoice No:	S2024080	11/6/2023	Paid Amt: \$32,925.42
			B 01	215 018	TRA	\$6,284.31	
PO#:	Voucher #:	103914	Invoice	Invoice No:	S202408C0	11/6/2023	Paid Amt: \$6,284.31
							Check Amount: \$39,209.73
0146	MB	12861			PUBLIC EMPLOYEES RETIREMENT		Wire
			B 01	215 017	PERA	\$797.93	
PO#:	Voucher #:	103913	Invoice	Invoice No:	S202408C0	11/6/2023	Paid Amt: \$797.93
			B 01	215 017	PERA	\$11,567.19	
PO#:	Voucher #:	103907	Invoice	Invoice No:	S2024080	11/6/2023	Paid Amt: \$11,567.19
							Check Amount: \$12,365.12
0146	MB	12862			REMIT EDUCATORS BENEFIT CONSULTANTS		Wire
			B 01	215 005	Tax Sheltered Annuities	\$1,139.28	
PO#:	Voucher #:	103902	Invoice	Invoice No:	S2024080	11/6/2023	Paid Amt: \$1,139.28
							Check Amount: \$1,139.28
0146	MB	14128			INTERNAL REVENUE SERVICE		Wire
			B 01	215 010	FICA Payable	\$40,749.46	
			B 01	215 011	Federal Tax	\$17,127.98	
PO#:	Voucher #:	103900	Invoice	Invoice No:	S2024080	19 11/6/2023	Paid Amt: \$57,877.44
			B 01	215 010	FICA Payable	\$8,316.06	

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Barnesville Public Schools #146

Detail Payment Register By Check

Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type		
0146	MB	14129			MINN DEPT OF REVENUE		Wire		
				B 01 215 013	State Tax			\$9,125.52	
PO#:		Voucher #:	104117	Invoice	Invoice No: S2024090	11/15/2023	Paid Amt:	\$9,125.52	
							Check Amount:	\$9,125.52	
0146	MB	14968	REMIT		EDUCATORS BENEFIT CONSULTANTS		Wire		
				B 01 215 005	Tax Sheltered Annuities			\$3,168.84	
PO#:		Voucher #:	104120	Invoice	Invoice No: S2024090	11/15/2023	Paid Amt:	\$3,168.84	
							Check Amount:	\$3,168.84	
0146	MB	14970	REMIT		EDUCATORS BENEFIT CONSULTANTS		Wire		
				B 01 215 005	Tax Sheltered Annuities			\$20.84	
PO#:		Voucher #:	104115	Invoice	Invoice No: S2024090	11/15/2023	Paid Amt:	\$20.84	
							Check Amount:	\$20.84	
0146	MB	16537	REMIT		EDUCATORS BENEFIT CONSULTANTS		Wire		
				B 01 215 005	Tax Sheltered Annuities			\$1,130.10	
PO#:		Voucher #:	104111	Invoice	Invoice No: S2024090	11/15/2023	Paid Amt:	\$1,130.10	
							Check Amount:	\$1,130.10	
0146	MB	16936	REMIT		EDUCATORS BENEFITS CONSULTANTS		Wire		
				B 01 215 005	Tax Sheltered Annuities			\$4,631.24	
PO#:		Voucher #:	104114	Invoice	Invoice No: S2024090	11/15/2023	Paid Amt:	\$4,631.24	
							Check Amount:	\$4,631.24	
0146	MB	85910	15900		ANDERSON ELECTRIC LLC		Check		
				E 01 005 812 000 350 000	light install			\$130.00	
PO#: 49551		Voucher #:	103849	Invoice	Invoice No: 7721	10/17/2023	Paid Amt:	\$130.00	
				E 01 005 812 000 350 000	outlets by Ag shop			\$165.00	
				E 01 005 812 000 350 000	labor			\$450.00	
				E 01 005 812 000 350 000	outlets by Ag shop			(\$165.00)	
				E 01 005 865 370 350 000	outlets by Ag shop			\$165.00	
				E 01 005 812 000 350 000	labor			(\$450.00)	
				E 01 005 865 370 350 000	labor			\$450.00	
PO#: 49551		Voucher #:	103850	Invoice	Invoice No: 7723	10/17/2023	Paid Amt:	\$615.00	
							Check Amount:	\$745.00	
0146	MB	85911	15730		ESSENTIA HEALTH		Check		
				E 01 300 790 000 305 000	monthly sports medicine agreement			\$125.00	
PO#:		Voucher #:	103851	Invoice	Invoice No: 0424.3010.1707.01	10/17/2023	Paid Amt:	\$125.00	
							Check Amount:	\$125.00	

Barnesville Public Schools #146

Detail Payment Register By Check

Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85912	17117		GULSETH, JAEGER		Check
				E 01	300 294 000 305 502 Fees For Services	\$130.00	
PO#:	Voucher #:	103830	Invoice	Invoice No:	101323	10/17/2023	Paid Amt: \$130.00
							Check Amount: \$130.00
0146	MB	85913	15508		GULSETH, MARK		Check
				E 01	300 294 000 305 502 Fees For Services	\$130.00	
PO#:	Voucher #:	103831	Invoice	Invoice No:	101323	10/17/2023	Paid Amt: \$130.00
							Check Amount: \$130.00
0146	MB	85914	17709		HARRY'S PIZZA LLC		Check
				R 01	300 299 000 619 000 Concessions Cost of Sales	\$476.00	
PO#:	Voucher #:	103832	Invoice	Invoice No:	65370	10/17/2023	Paid Amt: \$476.00
							Check Amount: \$476.00
0146	MB	85915	14156	VB	HAWLEY VOLLEYBALL		Check
				E 01	300 296 000 369 512 Entry Fees/Student Travel	\$150.00	
PO#:	Voucher #:	103526	Invoice	Invoice No:	092523	10/17/2023	Paid Amt: \$150.00
							Check Amount: \$150.00
0146	MB	85916	12161		INDEPENDENT SCHOOL DIST 548		Check
				E 01	300 292 000 369 516 Entry Fees/Student Travel	\$200.00	
PO#:	Voucher #:	103829	Invoice	Invoice No:	101623	10/17/2023	Paid Amt: \$200.00
							Check Amount: \$200.00
0146	MB	85917	14637		LOCKSHOP		Check
				E 01	005 718 342 401 000 service call	\$70.00	
				E 01	005 718 342 401 000 lock set, math rooms	\$412.00	
				E 01	005 718 342 401 000 sergeant cylinder	\$81.40	
				E 01	005 718 342 401 000 Medeco rim lock, for new entry doors	\$1,053.40	
				E 01	005 718 342 401 000 cut keys	\$55.50	
				E 01	005 718 342 401 000 labor	\$455.00	
				E 01	005 718 342 401 000 mileage	\$1.95	
PO#: 49552	Voucher #:	103833	Invoice	Invoice No:	0000266705	10/17/2023	Paid Amt: \$2,129.25
							Check Amount: \$2,129.25
0146	MB	85918	17722	REMIT	LYNGAAS, JACKSON		Check
				E 01	300 294 000 305 502 Fees For Services	\$130.00	
PO#:	Voucher #:	103834	Invoice	Invoice No:	101323	10/17/2023	Paid Amt: \$130.00
							Check Amount: \$130.00
0146	MB	85919	13592	REMIT	MARCO TECHNOLOGIES LLC		Check
				E 01	005 110 302 580 000 Copier Contract	\$712.75	
				E 01	300 211 302 580 000 Copier Contract	\$1,425.51	
				E 01	100 203 302 580 000 Copier Contract	\$1,425.51	

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Detail Payment Register By Check

Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85919	13592	REMIT	MARCO TECHNOLOGIES LLC		Check
				E 01	100 203 302 580 000 Supply Freight		\$15.60
				E 01	005 110 302 580 000 Supply Freight		\$7.80
				E 01	300 211 302 580 000 Supply Freight		\$15.60
	PO#: 49289	Voucher #: 103835	Invoice	Invoice No: 512864406	10/17/2023	Paid Amt:	\$3,602.77
						Check Amount:	\$3,602.77
0146	MB	85920	13087		MBCA CLINIC		Check
				E 01	300 294 000 366 503 Gen.trv,Meals, Rooms		\$250.00
	PO#:	Voucher #: 103853	Invoice	Invoice No: 101723	10/17/2023	Paid Amt:	\$250.00
						Check Amount:	\$250.00
0146	MB	85921	16017	REMIT	PURCHASE POWER		Check
				E 01	005 110 000 329 000 postage		\$1,005.00
	PO#:	Voucher #: 103836	Invoice	Invoice No: 100823	10/17/2023	Paid Amt:	\$1,005.00
						Check Amount:	\$1,005.00
0146	MB	85922	14553	REMIT	ROCHESTER TELECOM SYSTEMS		Check
				E 01	005 810 000 320 000 Communication		\$85.23
				E 04	005 505 321 320 000 Communication		\$1.09
	PO#:	Voucher #: 103852	Invoice	Invoice No: 29208	10/17/2023	Paid Amt:	\$86.32
						Check Amount:	\$86.32
0146	MB	85923	11878		SCHRITZ PLUMBING & HEATING		Check
				E 01	005 812 000 350 000 labor		\$110.00
				E 01	005 812 000 350 000 flush valve assmbly		\$238.05
				E 01	005 812 000 350 000 labor		\$55.00
				E 01	005 812 000 350 000 labor		\$220.00
				E 01	005 812 000 350 000 labor		\$220.00
				E 01	005 812 000 350 000 4x2 y		\$31.87
				E 01	005 812 000 350 000 4" fernco		\$11.91
				E 01	005 812 000 350 000 coupling		\$13.24
				E 01	005 812 000 350 000 2" 45		\$5.17
				E 01	005 812 000 350 000 2" Fernco		\$7.05
				E 01	005 812 000 350 000 4" PVC pipe		\$10.18
				E 01	005 812 000 350 000 3" rubber plug		\$4.90
				E 01	005 812 000 350 000 Misc		\$3.00
				E 01	005 812 000 350 000 flush valve labor		\$137.50
				E 01	005 812 000 350 000 flush valve assmbly		\$255.09
				E 01	005 812 000 350 000 1 1/2" spud gasket		\$34.78
	PO#: 49553	Voucher #: 103837	Invoice	Invoice No: 818699	24 10/17/2023	Paid Amt:	\$1,357.74
				E 01	005 812 000 350 000 service call		\$110.00
				E 01	005 812 000 350 000 flush valve kit		\$54.98

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Detail Payment Register By Check

Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85923	11878		SCHRITZ PLUMBING & HEATING		Check
				E 01	005 812 000 350 000 flush valve assmbly		\$158.56
				E 01	005 812 000 350 000 supplies		\$18.50
				E 01	005 812 000 350 000 Chrome stops		\$35.00
				E 01	005 812 000 350 000 Misc		\$52.85
				E 01	005 812 000 350 000 labor		\$110.00
PO#:	49553	Voucher #:	103838	Invoice	Invoice No: 018676	10/17/2023	Paid Amt: \$539.89
							Check Amount: \$1,897.63
0146	MB	85924	17581		SKARIE, REECE		Check
				E 01	300 294 000 305 502 Fees For Services		\$130.00
PO#:		Voucher #:	103839	Invoice	Invoice No: 101323	10/17/2023	Paid Amt: \$130.00
							Check Amount: \$130.00
0146	MB	85925	10140		STEIN'S INC		Check
				E 01	005 810 000 410 000 mop handle		\$60.70
PO#:	49557	Voucher #:	103840	Invoice	Invoice No: 925508-1	10/17/2023	Paid Amt: \$60.70
				E 01	005 810 000 350 000 start capacitor		\$128.69
				E 01	005 810 000 350 000 pick up and delivery		\$18.00
				E 01	005 810 000 350 000 labor		\$92.00
PO#:	49557	Voucher #:	103841	Invoice	Invoice No: 926409	10/17/2023	Paid Amt: \$238.69
				E 01	005 810 000 410 000 Vacuum hose		\$73.30
				E 01	005 810 000 410 000 brush strips		\$17.76
				E 01	005 810 000 410 000 freight		\$5.00
PO#:	49557	Voucher #:	103842	Invoice	Invoice No: 925783	10/17/2023	Paid Amt: \$96.06
				E 01	005 810 000 410 000 Tampon dispenser		\$331.32
PO#:	49557	Voucher #:	103843	Invoice	Invoice No: 924751-1	10/17/2023	Paid Amt: \$331.32
				E 01	005 810 000 410 000 surface prep pads		\$167.94
PO#:	49554	Voucher #:	103844	Invoice	Invoice No: 922097	10/17/2023	Paid Amt: \$167.94
				E 01	005 810 000 410 000 33 gal garbage bag		\$384.50
				E 01	005 810 000 410 000 24x32 garbage bag		\$400.80
				E 01	005 810 000 410 000 vinyl gloves		\$45.39
				E 01	005 810 000 410 000 Roll towel		\$538.80
				E 01	005 810 000 410 000 freight		\$5.00
PO#:	49556	Voucher #:	103845	Invoice	Invoice No: 926487	10/17/2023	Paid Amt: \$1,374.49
				E 01	005 810 000 410 000 Return		\$80.16
PO#:		Voucher #:	103846	Credit	Invoice No: 927076	10/17/2023	Paid Amt: (\$80.16)
							Check Amount: \$2,189.04

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type		
0146	MB	85926	17729		TUCKER, STEVEN W		Check		
				E 01	300 294 000 305 502	Fees For Services		\$130.00	
PO#:		Voucher #:	103847	Invoice	Invoice No: 101323	10/17/2023	Paid Amt:	\$130.00	
							Check Amount:	\$130.00	
0146	MB	85927	16906		WENDEL SGN ARCHITECTS, INC.		Check		
				E 06	005 870 000 305 896	Construction Administration for 2023 HVAC Up		\$1,500.00	
PO#: 49091		Voucher #:	103848	Invoice	Invoice No: 478201-38A	10/17/2023	Paid Amt:	\$1,500.00	
							Check Amount:	\$1,500.00	
0146	MB	85928	14873	REMIT	BLUUM OF MINNESOTA LLC		Check		
				E 01	005 612 000 405 000	Smart Learning Suite 1 year		\$245.25	
PO#: 49524		Voucher #:	103856	Invoice	Invoice No: 943123	10/20/2023	Paid Amt:	\$245.25	
							Check Amount:	\$245.25	
0146	MB	85929	17567		BOLGREAN, ALEXIS		Check		
				E 01	300 296 000 305 512	Fees For Services		\$101.00	
PO#:		Voucher #:	103857	Invoice	Invoice No: 101723	10/20/2023	Paid Amt:	\$101.00	
							Check Amount:	\$101.00	
0146	MB	85930	17704		BONTJES, JAIDA		Check		
				E 01	300 296 000 305 512	Fees For Services		\$56.00	
PO#:		Voucher #:	103858	Invoice	Invoice No: 101723	10/20/2023	Paid Amt:	\$56.00	
							Check Amount:	\$56.00	
0146	MB	85931	15411		DELTA DENTAL OF MINNESOTA		Check		
				B 01	215 032	premiums		\$3,424.45	
PO#:		Voucher #:	103859	Invoice	Invoice No: CNS0001381565	10/20/2023	Paid Amt:	\$3,424.45	
							Check Amount:	\$3,424.45	
0146	MB	85932	16091		DEPARTMENT OF HUMAN SERVICES		Check		
				E 01	200 400 372 305 000	SFY23 IEP Admin Fee		\$337.00	
PO#:		Voucher #:	103860	Invoice	Invoice No: 00000764049	10/20/2023	Paid Amt:	\$337.00	
							Check Amount:	\$337.00	
0146	MB	85933	15413	remit	FIDELITY SECURITY LIFE		Check		
				B 01	215 031	Vision Premium		\$524.11	
PO#:		Voucher #:	103861	Invoice	Invoice No: 3030663	10/20/2023	Paid Amt:	\$524.11	
							Check Amount:	\$524.11	
0146	MB	85934	14996		JOHNSON, CHARLES E		Check		
				E 01	300 296 000 305 512	Fees For Services		\$130.00	
PO#:		Voucher #:	103862	Invoice	Invoice No: 101723	10/20/2023	Paid Amt:	\$130.00	
							Check Amount:	\$130.00	

Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85935	16820		JORGENSON, MARK		Check
				E 01	300 296 000 305 512 VB ref	\$175.00	
	PO#:	Voucher #:	103863	Invoice	Invoice No: 101723	10/20/2023	Paid Amt: \$175.00 Check Amount: \$175.00
0146	MB	85936	12076	remit	PREMIUM WATERS, INC.		Check
				E 01	005 720 000 401 000 General Supplies	\$115.78	
	PO#:	Voucher #:	103864	Invoice	Invoice No: 502958-09-23	10/20/2023	Paid Amt: \$115.78 Check Amount: \$115.78
0146	MB	85937	11531		RENNEBERG HARDWOODS		Check
				E 01	300 255 000 450 000 Red Oak (S3S 13/16")	\$840.00	
				E 01	300 255 000 450 000 3/4" Red Oak Plywood VC	\$1,156.56	
				E 01	300 255 000 450 000 Knotty Pine (S3S 13/16")	\$290.00	
				E 01	300 255 000 450 000 Red Oak 8/4" Straight Line Rip	\$540.00	
				E 01	300 255 000 450 000 Misc	\$0.00	
				E 01	300 255 000 450 000 Shipping	\$50.00	
	PO#: 49503	Voucher #:	103865	Invoice	Invoice No: 00016090	10/20/2023	Paid Amt: \$2,876.56 Check Amount: \$2,876.56
0146	MB	85938	17706		SKOGEN, MCKENZIE		Check
				E 01	300 296 000 305 512 Fees For Services	\$56.00	
	PO#:	Voucher #:	103866	Invoice	Invoice No: 101723	10/20/2023	Paid Amt: \$56.00 Check Amount: \$56.00
0146	MB	85939	15651	remit	TEACHERS ON CALL		Check
				E 01	100 203 000 305 000 Elem substitutes	\$1,715.70	
				E 01	300 211 000 305 000 HS substitutes	\$361.20	
	PO#:	Voucher #:	103867	Invoice	Invoice No: 150135	10/20/2023	Paid Amt: \$2,076.90 Check Amount: \$2,076.90
0146	MB	85940	17639		TRAP TEAM ISD 146 AUXILIARY ACCOUNT		Check
				E 04	005 505 321 305 000 Fees For Services	\$96.00	
	PO#:	Voucher #:	103868	Invoice	Invoice No: 101623	10/20/2023	Paid Amt: \$96.00 Check Amount: \$96.00
0146	MB	85941	17197		VANWATERMULEN, LORI		Check
				R 04	005 505 321 050 000 Refund	\$65.00	
	PO#:	Voucher #:	103869	Invoice	Invoice No: 101723	10/20/2023	Paid Amt: \$65.00 Check Amount: \$65.00
0146	MB	85942	14911	REMIT	AMAZON CAPITAL SERVICES		Check
				E 01	300 292 000 401 516 MASTERCANOPY Instant Canopy Tent Sidew	\$71.85	
	PO#: 49558	Voucher #:	103878	Invoice	Invoice No: 1VL3-4T44-1TW9	10/26/2023	Paid Amt: \$71.85 Check Amount: \$71.85

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85943	16086	remit	COLONIAL LIFE INSURANCE COMPANY		Check
				B 01	215 029	Supplemental Insurance-Voluntary	\$213.08
PO#:	Voucher #:	103874	Invoice	Invoice No:	4179057103164	10/26/2023	Paid Amt: \$213.08
							Check Amount: \$213.08
0146	MB	85944	14803		DAKOTA REFRIGERATION		Check
				E 01	005 812 000 350 000	Ice machine maintenance	\$454.72
PO#: 49565	Voucher #:	103883	Invoice	Invoice No:	F194171	10/26/2023	Paid Amt: \$454.72
							Check Amount: \$454.72
0146	MB	85945	16950		HOVDE, KRISTIN		Check
				R 02	005 000 701 601 000	Refund	\$105.60
PO#:	Voucher #:	103879	Invoice	Invoice No:	102323	10/26/2023	Paid Amt: \$105.60
							Check Amount: \$105.60
0146	MB	85946	15388	remit	INNOVATIVE OFFICE SOLUTIONS LLC		Check
				E 04	005 505 321 401 000	FALDSXLPW CLEANER,DUST-OFF,10OZ,2P	\$18.19
PO#: 49535	Voucher #:	103877	Invoice	Invoice No:	IN4354449	10/26/2023	Paid Amt: \$18.19
							Check Amount: \$18.19
0146	MB	85947	13701		LIBRARY STORE, INC.		Check
				E 01	100 203 000 401 000	Laminating Film Item # 30-1706	\$339.80
				E 01	100 203 000 401 000	Coupon	(\$50.00)
				E 01	100 203 000 401 000	Shipping	\$41.17
PO#: 49563	Voucher #:	103876	Invoice	Invoice No:	656588	10/26/2023	Paid Amt: \$330.97
							Check Amount: \$330.97
0146	MB	85948	15395		MADISON NATIONAL LIFE		Check
				B 01	215 027	Life & LTD	\$1,131.82
PO#:	Voucher #:	103875	Invoice	Invoice No:	November 2023	10/26/2023	Paid Amt: \$1,131.82
							Check Amount: \$1,131.82
0146	MB	85949	15854		PHILADELPHIA SECURITY PRODUCTS INC.		Check
				E 01	300 211 000 401 000	Per Quote #251978 MASTER LOCK 1525PF	\$1,685.00
				E 01	300 211 000 401 000	SHIPPING	\$0.00
PO#: 49399	Voucher #:	103884	Invoice	Invoice No:	417388	10/26/2023	Paid Amt: \$1,685.00
							Check Amount: \$1,685.00
0146	MB	85950	12141		REGION 6A, MSHSL		Check
				R 01	300 289 000 060 000	Section FB	\$2,910.00
PO#:	Voucher #:	103885	Invoice	Invoice No:	102423	10/26/2023	Paid Amt: \$2,910.00
							Check Amount: \$2,910.00
0146	MB	85951	11670	REMIT	SAM'S CLUB DIRECT	28	Check
				R 01	300 299 000 619 000	Concessions Cost of Sales	\$456.62
PO#:	Voucher #:	103886	Invoice	Invoice No:	006196	10/26/2023	Paid Amt: \$456.62

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85951	11670	REMIT	SAM'S CLUB DIRECT		Check
				R 01	300 299 000 619 000 Concessions Cost of Sales		\$965.00
PO#:	Voucher #:	103887	Invoice	Invoice No:	009545	10/26/2023	Paid Amt: \$965.00
							Check Amount: \$1,421.62
0146	MB	85952	11245	REMIT	SCHOOL SPECIALTY LLC		Check
				E 01	100 205 000 401 000 1333744 EXPO Low Odor Dry Erase Marker, C		\$23.90
				E 01	100 205 000 430 000 248962 Array Card Stock Paper, 8-1/2 x 11 Inc		\$13.84
				E 01	100 205 000 401 000 1593099 School Smart Dry Erase Pen Style M		\$34.64
PO#: 49543	Voucher #:	103881	Invoice	Invoice No:	208133341803	10/26/2023	Paid Amt: \$72.38
							Check Amount: \$72.38
0146	MB	85953	16777		STARFALL EDUCATION FOUNDATION		Check
				E 01	100 203 000 406 000 Renewal		\$355.00
PO#: 49197	Voucher #:	103882	Invoice	Invoice No:	9855-3432-4419	10/26/2023	Paid Amt: \$355.00
							Check Amount: \$355.00
0146	MB	85954	15977	REMIT	ELAN FINANCIAL SERVICES		Check
				E 01	005 020 000 401 000 Zoom subscription (District)		\$17.17
				E 04	005 509 321 401 000 Brightwheel subscription		\$150.00
				E 01	300 289 000 401 000 HS Auxiliary reimb.		\$330.71
				E 01	300 260 000 430 000 HS Science Instr supplies		\$79.00
				E 01	100 209 000 430 000 6th Gr Instr Supplies		\$59.88
				E 01	005 640 316 366 000 Staff Development (Dist)		\$707.21
				E 01	300 298 000 369 000 E-sports registration		\$100.00
				E 01	005 110 000 322 000 Inforum digital subscription		\$100.00
PO#:	Voucher #:	103894	Invoice	Invoice No:	October 2023	10/31/2023	Paid Amt: \$1,543.97
							Check Amount: \$1,543.97
0146	MB	85955	12141		REGION 6A, MSHSL		Check
				R 01	300 289 000 060 000 Section FB		\$3,050.00
PO#:	Voucher #:	103891	Invoice	Invoice No:	102823	10/31/2023	Paid Amt: \$3,050.00
							Check Amount: \$3,050.00
0146	MB	85956	15651	remit	TEACHERS ON CALL		Check
				E 01	100 203 000 305 000 Elem substitutes		\$722.40
				E 01	300 211 000 305 000 HS substitutes		\$541.80
PO#:	Voucher #:	103892	Invoice	Invoice No:	150394	10/31/2023	Paid Amt: \$1,264.20
							Check Amount: \$1,264.20
0146	MB	85957	12942		MIDWEST BANK		Check
				E 01	300 292 000 369 505 Meal Money for Students for State CC		\$55.00

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85957	12942		MIDWEST BANK		Check
				E 01	300 292 000 366 505 Meal Money for Coaches for State CC	\$55.00	
	PO#:	Voucher #:	103895	Invoice	Invoice No: 103123	10/31/2023	Paid Amt: \$110.00
							Check Amount: \$110.00
0146	MB	85958	12945		BARNESVILLE CHIROPRACTIC CLINIC		Check
				E 01	005 760 733 305 000 DOT Physical	\$120.00	
	PO#:	Voucher #:	103935	Invoice	Invoice No: 102523	11/8/2023	Paid Amt: \$120.00
							Check Amount: \$120.00
0146	MB	85959	15317		BLONIGEN, MARK		Check
				E 01	300 296 000 305 513 Fees For Services	\$105.00	
	PO#:	Voucher #:	103930	Invoice	Invoice No: 110723	11/8/2023	Paid Amt: \$105.00
							Check Amount: \$105.00
0146	MB	85960	10001		CITY OF BARNESVILLE		Check
				E 01	005 810 000 332 000 Electricity	\$13,687.45	
				E 01	005 810 000 331 000 Water-Sewage	\$1,891.81	
				E 01	005 810 000 330 000 Garbage	\$23.78	
				E 04	005 505 321 320 000 Communication	\$33.28	
				E 01	005 810 000 320 000 Communication	\$688.10	
	PO#:	Voucher #:	103924	Invoice	Invoice No: 10107006	11/8/2023	Paid Amt: \$16,324.42
							Check Amount: \$16,324.42
0146	MB	85961	12853		EA - BARNESVILLE		Check
				B 01	215 025 Nea-Mea-Bea Dues Payable	\$2,844.57	
	PO#:	Voucher #:	103899	Invoice	Invoice No: S2024080	11/8/2023	Paid Amt: \$2,844.57
				B 01	215 025 Nea-Mea-Bea Dues Payable	\$2,844.57	
	PO#:	Voucher #:	103736	Invoice	Invoice No: S2024070	11/8/2023	Paid Amt: \$2,844.57
							Check Amount: \$5,689.14
0146	MB	85962	15344		EDUCATORS BENEFIT CONSULTANTS		Check
				E 01	005 110 000 305 000 Fees For Services	\$66.72	
	PO#:	Voucher #:	103934	Invoice	Invoice No: 30261	11/8/2023	Paid Amt: \$66.72
							Check Amount: \$66.72
0146	MB	85963	15730		ESSENTIA HEALTH		Check
				E 01	300 790 000 305 000 monthly sports medicine agreement	\$125.00	
	PO#:	Voucher #:	103933	Invoice	Invoice No: 0524.3010.1707.01	11/8/2023	Paid Amt: \$125.00
							Check Amount: \$125.00
0146	MB	85964	12255	REMIT	GOPHER		Check
				E 01	300 240 000 430 000 GI42-545 orange rainbow premier bases	\$109.90	

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85964	12255	REMIT	GOPHER		Check
				E 01	300 240 000 430 000	gl66-600 rainbow classic whistles with lanyard:	\$59.95
	PO#: 49550	Voucher #:	103932	Invoice	Invoice No: #IN325486	11/8/2023	Paid Amt: \$169.85
							Check Amount: \$169.85
0146	MB	85965	17029		HEISLER, DARREN		Check
				E 01	300 296 000 305 513	Fees For Services	\$70.00
	PO#:	Voucher #:	103921	Invoice	Invoice No: 11223	11/8/2023	Paid Amt: \$70.00
							Check Amount: \$70.00
0146	MB	85966	17287	remit	LITERACY RESOURCES LLC		Check
				E 01	100 422 740 433 000	Kindergarten Curriculum SKU: 110322 ISBN:	\$445.00
				E 01	100 422 740 433 000	Primary Curriculum SKU: 110422 ISBN: 978	\$267.00
				E 01	100 422 740 433 000	Freight	\$56.96
	PO#: 49542	Voucher #:	103931	Invoice	Invoice No: 616704	11/8/2023	Paid Amt: \$768.96
							Check Amount: \$768.96
0146	MB	85967	17732		MINNESOTA FFA ASSOCIATION		Check
				E 01	300 301 830 433 000	AET Subscription	\$285.00
	PO#:	Voucher #:	103927	Invoice	Invoice No: 5151	11/8/2023	Paid Amt: \$285.00
							Check Amount: \$285.00
0146	MB	85968	16818		MN SCHOOL EMPLOYEES ASSOCIATION		Check
				B 01	215 025	Nea-Mea-Bea Dues Payable	\$613.75
	PO#:	Voucher #:	103904	Invoice	Invoice No: S2024080	11/8/2023	Paid Amt: \$613.75
							Check Amount: \$613.75
0146	MB	85969	12451	CC	REGION 8A		Check
				E 01	300 292 000 369 516	Entry Fees/Student Travel	\$135.00
	PO#:	Voucher #:	103920	Invoice	Invoice No: 103123	11/8/2023	Paid Amt: \$135.00
							Check Amount: \$135.00
0146	MB	85970	17044		STEINER, DANIEL		Check
				E 01	300 294 000 305 503	Fees For Services	\$70.00
	PO#:	Voucher #:	103929	Invoice	Invoice No: 110723	11/8/2023	Paid Amt: \$70.00
							Check Amount: \$70.00
0146	MB	85971	15651	remit	TEACHERS ON CALL		Check
				E 01	100 203 000 305 000	Elem substitutes	\$1,625.40
				E 01	300 211 000 305 000	HS substitutes	\$541.80
	PO#:	Voucher #:	103923	Invoice	Invoice No: 150647	11/8/2023	Paid Amt: \$2,167.20
							Check Amount: \$2,167.20

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85972	15278		WENAAS, LAWRENCE		Check
				E 01	300 294 000 305 503 Fees For Services		\$102.00
PO#:	Voucher #:	103922	Invoice	Invoice No:	110223	11/8/2023	Paid Amt: \$102.00
							Check Amount: \$102.00
0146	MB	85973	16972		XCEL ENERGY		Check
				E 01	005 810 000 333 000 Natural Gas		\$3,407.31
PO#:	Voucher #:	103925	Invoice	Invoice No:	850704874	11/8/2023	Paid Amt: \$3,407.31
							Check Amount: \$3,407.31
0146	MB	85974	16972		XCEL ENERGY		Check
				E 01	005 810 000 333 000 Natural Gas		\$1,723.32
PO#:	Voucher #:	103926	Invoice	Invoice No:	850719358	11/8/2023	Paid Amt: \$1,723.32
							Check Amount: \$1,723.32
0146	MB	85975	16339	REMIT	JOHNSON PLASTICS PLUS		Check
				E 01	300 255 000 530 000 #PRNT500N-609100-KIT Sawgrass SG50		\$0.00
				E 01	300 255 000 430 000 #SUBBW2-10-PKG Fitted Beverage Coole		\$62.93
				E 01	300 255 000 430 000 #SUBMPAD 8-10PKG Fabric MousePad		\$11.41
				E 01	300 255 000 430 000 Freight		\$38.31
				E 01	300 255 000 430 000 Freight		\$38.31
				E 01	300 255 000 430 000 Freight		(\$38.31)
PO#: 49469	Voucher #:	103936	Invoice	Invoice No:	3427898	11/10/2023	Paid Amt: \$112.65
							Check Amount: \$112.65
0146	MB	85976	15651	remit	TEACHERS ON CALL		Check
				E 01	100 203 000 305 000 Elem substitutes		\$1,354.50
				E 01	300 211 000 305 000 HS substitutes		\$903.00
PO#:	Voucher #:	103938	Invoice	Invoice No:	151005	11/10/2023	Paid Amt: \$2,257.50
							Check Amount: \$2,257.50
0146	MB	85977	16653		VERIFIED FIRST		Check
				E 01	005 105 000 305 000 Background Checks		\$178.20
PO#:	Voucher #:	103937	Invoice	Invoice No:	INV-000446788	11/10/2023	Paid Amt: \$178.20
							Check Amount: \$178.20
0146	MB	85978	11239	REMIT	ACME TOOLS		Check
				E 01	300 255 000 430 000 1343758 Delta Drill Press Key		\$9.97
				E 01	300 255 000 430 000 Shipping		\$8.44
PO#: 49497	Voucher #:	103950	Invoice	Invoice No:	11971283	11/14/2023	Paid Amt: \$18.41
							Check Amount: \$18.41

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85979	15412		AFLAC		Check
				B 01 215 029	Supplemental Insurance-Voluntary		\$493.54
PO#:		Voucher #:	104079	Invoice	Invoice No: 946796	11/14/2023	Paid Amt: \$493.54
							Check Amount: \$493.54
0146	MB	85980	14911	REMIT	AMAZON CAPITAL SERVICES		Check
				E 01 005 810 000 410 000	Sensor for drinking fountain		\$134.00
				E 01 005 810 000 410 000	folding step stool		\$46.41
PO#: 49583		Voucher #:	103983	Invoice	Invoice No: 1XDY-G1DJ-71GP	11/14/2023	Paid Amt: \$180.41
				E 01 100 201 000 430 000	Play-Doh 36 pack		\$28.99
				E 01 100 201 000 430 000	Play-Doh 1oz. 42 pack		\$16.99
				E 01 100 201 000 401 000	Scotch Tape Dispenser/6pk rolls		\$14.99
				E 01 100 201 000 401 000	Book Tape		\$7.89
PO#: 49562		Voucher #:	103939	Invoice	Invoice No: 1XNH-6CV9-JQRT	11/14/2023	Paid Amt: \$68.86
				E 01 100 259 000 401 000	EXPO Low Odor Dry Erase Markers, Ultra Fin		\$56.14
				E 01 100 259 000 401 000	6inch Vinly Floor Stickers Floor Dots for Class		\$25.58
PO#: 49587		Voucher #:	103940	Invoice	Invoice No: 1YCQ-GR9C-737Y	11/14/2023	Paid Amt: \$81.72
				E 01 005 110 000 401 000	Door Chime22.99		\$21.59
				E 01 005 110 000 401 000	Freight		\$6.99
PO#: 49584		Voucher #:	103941	Invoice	Invoice No: 1QTQ-PKNH-4NFX	11/14/2023	Paid Amt: \$28.58
				E 01 005 810 000 410 000	10 pack Lockdown Magnetic Strips 40mil Blac		\$17.39
PO#: 49586		Voucher #:	103942	Invoice	Invoice No: 1P77-,HTY-14LH	11/14/2023	Paid Amt: \$17.39
				E 06 005 870 000 401 892	Shure QLXD2 H Band		\$858.00
				E 06 005 870 000 401 892	Shure QLXD2 J Band		\$858.00
PO#: 49582		Voucher #:	103943	Invoice	Invoice No: 116X-RM74-7Q1C	11/14/2023	Paid Amt: \$1,716.00
				E 04 005 580 325 430 000	Fall Cups		\$15.99
				E 04 005 580 325 430 000	Fall Balloons		\$10.99
				E 04 005 580 325 430 000	Pizza Stickers		\$9.79
				E 04 005 580 325 430 000	Pizza Party Decor		\$12.99
				E 04 005 582 344 401 000	Dry Erase Markers		\$19.95
				E 04 005 582 344 401 000	Dry Erase Board Erasers		\$8.98
				E 04 005 582 344 401 000	Manila Folders		\$38.70
				E 04 005 582 344 401 000	Tape Dispenser		\$5.48
				E 04 005 582 344 430 000	FingerPaint		\$16.26
PO#: 49579		Voucher #:	103944	Invoice	Invoice No: 1G1D-FN6C-GCR1	11/14/2023	Paid Amt: \$139.13
							Check Amount: \$2,232.09
0146	MB	85981	15512		ANDERSON COACH OF FRAZEE INC		Check
				E 01 300 294 733 360 502	FB	33	\$1,453.00



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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85981	15512		ANDERSON COACH OF FRAZEE INC		Check
				E 01	300 289 733 360 000 Auxiliary acct		\$172.00
PO#:	Voucher #:	103949	Invoice	Invoice No:	22702	11/14/2023	Paid Amt: \$1,625.00
							Check Amount: \$1,625.00
0146	MB	85982	10002	remit	ARAMARK		Check
				E 02	005 770 701 382 000 Laundry/Dry Cleaning		\$169.76
PO#:	Voucher #:	103945	Invoice	Invoice No:	2520282526	11/14/2023	Paid Amt: \$169.76
				E 02	005 770 701 382 000 Laundry/Dry Cleaning		\$169.76
PO#:	Voucher #:	103946	Invoice	Invoice No:	2520282527	11/14/2023	Paid Amt: \$169.76
				E 02	005 770 701 382 000 Laundry/Dry Cleaning		\$169.76
PO#:	Voucher #:	103947	Invoice	Invoice No:	2520275142	11/14/2023	Paid Amt: \$169.76
				E 02	005 770 701 382 000 Laundry/Dry Cleaning		\$169.76
PO#:	Voucher #:	103948	Invoice	Invoice No:	2520275143	11/14/2023	Paid Amt: \$169.76
							Check Amount: \$679.04
0146	MB	85983	10685		BARNESVILLE BUS COMPANY, INC.		Check
				E 01	005 105 000 305 000 Bus Camera Maintenance		\$416.14
PO#:	Voucher #:	103981	Invoice	Invoice No:	110623	11/14/2023	Paid Amt: \$416.14
				E 01	300 294 733 360 502 FB		\$3,698.25
				E 01	300 296 733 360 512 VB		\$4,088.50
				E 01	100 288 733 360 000 Field trip		\$341.25
				E 01	300 218 388 360 000 JH Knowledge Bowl		\$383.50
				E 01	300 211 733 360 000 Counseling		\$586.00
				E 01	300 298 733 360 000 PaY		\$325.75
				E 01	300 292 733 360 516 Cross Country		\$1,128.50
PO#:	Voucher #:	103952	Invoice	Invoice No:	October 23 Extra	11/14/2023	Paid Amt: \$10,551.75
				E 01	005 760 713 360 000 Open Enrollment Transportation		\$8,560.00
PO#:	Voucher #:	103953	Invoice	Invoice No:	Oct 23 OE	11/14/2023	Paid Amt: \$8,560.00
				E 04	005 582 344 360 000 Preschool Busing		\$3,000.00
PO#:	Voucher #:	103954	Invoice	Invoice No:	Oct 23 PS	11/14/2023	Paid Amt: \$3,000.00
				E 01	005 760 720 442 000 Gasoline		\$2,027.50
				E 01	005 760 720 442 000 Gasoline		\$2,371.03
PO#:	Voucher #:	103955	Invoice	Invoice No:	Oct 23 Fuel	11/14/2023	Paid Amt: \$4,398.53
							Check Amount: \$26,926.42
0146	MB	85984	10685		BARNESVILLE BUS COMPANY, INC.		Check
				E 01	005 760 720 360 000 Monthly Fee		\$57,800.00
PO#:	Voucher #:	103951	Invoice	Invoice No:	November 2023	11/14/2023	Paid Amt: \$57,800.00
							Check Amount: \$57,800.00

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85985	12156		BARNESVILLE C-STORE		Check
				E 01	005 760 733 401 000 Car Wash		\$8.00
PO#:	Voucher #:	103958	Invoice	Invoice No:	7424-2	11/14/2023	Paid Amt: \$8.00
				E 01	005 760 733 401 000 Car Wash		\$9.00
PO#:	Voucher #:	103959	Invoice	Invoice No:	8991-2	11/14/2023	Paid Amt: \$9.00
				E 01	005 811 000 442 000 Gasoline		\$27.57
PO#:	Voucher #:	103960	Invoice	Invoice No:	9561-1	11/14/2023	Paid Amt: \$27.57
				E 01	005 760 733 442 000 Gasoline		\$43.41
PO#:	Voucher #:	103961	Invoice	Invoice No:	2339-2	11/14/2023	Paid Amt: \$43.41
					Check Amount:		\$87.98
0146	MB	85986	16618		BARNESVILLE DRUG & HARDWARE		Check
				E 01	005 810 000 410 000 Custodial Supplies		\$23.94
PO#:	Voucher #:	103964	Invoice	Invoice No:	146629	11/14/2023	Paid Amt: \$23.94
				E 01	005 810 000 410 000 Custodial Supplies		\$19.48
PO#:	Voucher #:	103965	Invoice	Invoice No:	144780	11/14/2023	Paid Amt: \$19.48
				E 01	005 810 000 410 000 Custodial Supplies		\$37.99
				E 01	005 811 000 420 000 Ice Melt		\$1,763.02
PO#:	Voucher #:	103966	Invoice	Invoice No:	148387	11/14/2023	Paid Amt: \$1,801.01
					Check Amount:		\$1,844.43
0146	MB	85987	10013		BARNESVILLE GROCERY		Check
				R 01	300 299 000 619 000 Concessions Cost of Sales		\$24.90
				E 01	300 299 000 401 000 General Supplies		\$7.08
PO#:	Voucher #:	103962	Invoice	Invoice No:	Oct 23 Conc	11/14/2023	Paid Amt: \$31.98
				E 02	005 770 701 490 000 Food		\$56.59
PO#:	Voucher #:	103963	Invoice	Invoice No:	Oct 23 FS	11/14/2023	Paid Amt: \$56.59
					Check Amount:		\$88.57
0146	MB	85988	10025		BARNESVILLE RECORD-REVIEW		Check
				E 01	005 010 000 380 000 District Budget Publication		\$408.00
				E 01	005 105 000 380 000 Employment Ads		\$96.00
				E 04	005 505 321 380 000 Employment Ads		\$48.00
				E 04	005 580 325 380 000 2023 Census Count		\$60.00
PO#:	Voucher #:	103956	Invoice	Invoice No:	103123	11/14/2023	Paid Amt: \$612.00
					Check Amount:		\$612.00
0146	MB	85989	15317		BLONIGEN, MARK		Check
				E 01	300 296 000 305 513 Fees For Services		\$70.00
PO#:	Voucher #:	103982	Invoice	Invoice No:	111023	11/14/2023	Paid Amt: \$70.00
					Check Amount:		\$70.00

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85990	15055	remit	BSN SPORTS LLC		Check
				E 01	300 289 000 401 000 Lettering for JH basketball uniforms	\$1,325.00	
	PO#: 49591	Voucher #:	103957	Invoice	Invoice No: 923418570	11/14/2023	Paid Amt: \$1,325.00
							Check Amount: \$1,325.00
0146	MB	85991	17395		CHRISTIANSON'S BUSINESS FURNITURE		Check
				E 06	005 870 000 530 898 Backsplash (cabinets in elem)	\$7,592.49	
	PO#: 49291	Voucher #:	103302	Invoice	Invoice No: 86736	11/14/2023	Paid Amt: \$7,592.49
							Check Amount: \$7,592.49
0146	MB	85992	16568		COCA-COLA BOTTLING COMPANY HIGH COUNTRY		Check
				E 02	005 770 707 490 000 Food	\$304.25	
	PO#:	Voucher #:	103968	Invoice	Invoice No: 4555669	11/14/2023	Paid Amt: \$304.25
				E 02	005 770 707 490 000 Food	\$223.75	
	PO#:	Voucher #:	103969	Invoice	Invoice No: 4555752	11/14/2023	Paid Amt: \$223.75
							Check Amount: \$528.00
0146	MB	85993	13450		CROWN TROPHY		Check
				E 01	300 289 000 401 000 Voting Awards	\$35.00	
				E 01	300 289 000 401 000 Statistical Awards	\$43.75	
				E 01	300 296 000 401 512 MVP Awards	\$70.00	
				E 01	300 296 000 401 512 Senior Awards	\$132.00	
				E 01	300 296 000 401 512 shipping cost	\$0.00	
	PO#: 49585	Voucher #:	103967	Invoice	Invoice No: 64884	11/14/2023	Paid Amt: \$280.75
							Check Amount: \$280.75
0146	MB	85994	13220		EARTHGRAINS BAKING CO. INC.		Check
				E 02	005 770 701 490 000 Food	\$190.40	
	PO#:	Voucher #:	103972	Invoice	Invoice No: 52155690002175	11/14/2023	Paid Amt: \$190.40
				E 02	005 770 701 490 000 Food	\$103.56	
	PO#:	Voucher #:	103973	Invoice	Invoice No: 52155690002174	11/14/2023	Paid Amt: \$103.56
				E 02	005 770 701 490 000 Food	\$136.80	
	PO#:	Voucher #:	103974	Invoice	Invoice No: 52155690002140	11/14/2023	Paid Amt: \$136.80
				E 02	005 770 701 490 000 Food	\$156.60	
	PO#:	Voucher #:	103975	Invoice	Invoice No: 52155690002105	11/14/2023	Paid Amt: \$156.60
				E 02	005 770 701 490 000 Food	\$86.96	
	PO#:	Voucher #:	103976	Invoice	Invoice No: 52155690002139	11/14/2023	Paid Amt: \$86.96
				E 02	005 770 701 490 000 Food	\$131.80	
	PO#:	Voucher #:	103977	Invoice	Invoice No: 52155690002104	11/14/2023	Paid Amt: \$131.80
				E 02	005 770 701 490 000 Food	\$223.40	
	PO#:	Voucher #:	103978	Invoice	Invoice No: 52155690002071	11/14/2023	Paid Amt: \$223.40

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85994	13220		EARTHGRAINS BAKING CO. INC.		Check
				E 02	005 770 701 490 000 Food		\$159.12
PO#:	Voucher #:	103979	Invoice	Invoice No:	52155690002070	11/14/2023	Paid Amt: \$159.12
							Check Amount: \$1,188.64
0146	MB	85995	12394		EIDE BAILLY		Check
				E 01	005 110 000 305 000 Audit		\$8,080.00
PO#:	Voucher #:	103980	Invoice	Invoice No:	EI01576780	11/14/2023	Paid Amt: \$8,080.00
							Check Amount: \$8,080.00
0146	MB	85996	17472		EUROPE TRIP		Check
				E 01	300 299 000 305 000 Fees For Services		\$736.04
PO#:	Voucher #:	103970	Invoice	Invoice No:	101723	11/14/2023	Paid Amt: \$736.04
				E 01	300 299 000 305 000 Fees For Services		\$224.75
PO#:	Voucher #:	103971	Invoice	Invoice No:	102823	11/14/2023	Paid Amt: \$224.75
							Check Amount: \$960.79
0146	MB	85997	10052		FARMERS COOPERATIVE OIL CO		Check
				E 01	005 760 733 442 000 Gasoline		\$41.45
PO#:	Voucher #:	103985	Invoice	Invoice No:	4861-1	11/14/2023	Paid Amt: \$41.45
				E 01	005 760 733 442 000 Gasoline		\$23.16
PO#:	Voucher #:	103986	Invoice	Invoice No:	4979-1	11/14/2023	Paid Amt: \$23.16
				E 01	005 760 733 442 000 Gasoline		\$51.77
PO#:	Voucher #:	103987	Invoice	Invoice No:	5335-1	11/14/2023	Paid Amt: \$51.77
				E 01	005 760 733 442 000 Gasoline		\$67.11
PO#:	Voucher #:	103988	Invoice	Invoice No:	9791-2	11/14/2023	Paid Amt: \$67.11
				E 01	005 760 733 442 000 Gasoline		\$77.51
PO#:	Voucher #:	103989	Invoice	Invoice No:	296-2	11/14/2023	Paid Amt: \$77.51
				E 01	005 760 733 442 000 Gasoline		\$55.58
PO#:	Voucher #:	103990	Invoice	Invoice No:	6522-1	11/14/2023	Paid Amt: \$55.58
				E 01	005 760 733 442 000 Gasoline		\$50.71
PO#:	Voucher #:	103991	Invoice	Invoice No:	1056-2	11/14/2023	Paid Amt: \$50.71
				E 01	005 760 733 442 000 Gasoline		\$69.09
PO#:	Voucher #:	103992	Invoice	Invoice No:	7827-1	11/14/2023	Paid Amt: \$69.09
				E 01	005 760 733 442 000 Gasoline		\$53.20
PO#:	Voucher #:	103993	Invoice	Invoice No:	15972	11/14/2023	Paid Amt: \$53.20
				E 01	005 760 733 442 000 Gasoline		\$70.86
PO#:	Voucher #:	103994	Invoice	Invoice No:	8699-1	11/14/2023	Paid Amt: \$70.86
				E 01	005 760 733 442 000 Gasoline		\$57.62
PO#:	Voucher #:	103995	Invoice	Invoice No:	2813-2	37 11/14/2023	Paid Amt: \$57.62
				E 01	005 760 733 442 000 Gasoline		\$70.00
PO#:	Voucher #:	103996	Invoice	Invoice No:	2815-2	11/14/2023	Paid Amt: \$70.00

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	85997	10052		FARMERS COOPERATIVE OIL CO		Check
				E 01	005 760 733 442 000 Gasoline		\$70.37
PO#:		Voucher #:	103997	Invoice	Invoice No: 4077-2	11/14/2023	Paid Amt: \$70.37
				E 01	005 760 733 442 000 Gasoline		\$48.05
PO#:		Voucher #:	103998	Invoice	Invoice No: 2661-1	11/14/2023	Paid Amt: \$48.05
				E 01	005 760 733 442 000 Gasoline		\$70.28
PO#:		Voucher #:	103999	Invoice	Invoice No: 3346-1	11/14/2023	Paid Amt: \$70.28
				E 01	005 760 733 442 000 Gasoline		\$50.39
PO#:		Voucher #:	104000	Invoice	Invoice No: 3736-1	11/14/2023	Paid Amt: \$50.39
				E 01	005 760 733 442 000 Gasoline		\$39.63
PO#:		Voucher #:	104001	Invoice	Invoice No: 4666-2	11/14/2023	Paid Amt: \$39.63
				E 01	005 760 733 442 000 Gasoline		\$59.22
PO#:		Voucher #:	104002	Invoice	Invoice No: 4548-1	11/14/2023	Paid Amt: \$59.22
				E 01	005 760 733 442 000 Gasoline		\$23.74
PO#:		Voucher #:	104003	Invoice	Invoice No: 4625-2	11/14/2023	Paid Amt: \$23.74
				E 01	005 811 000 442 000 Gasoline		\$39.94
PO#:		Voucher #:	104004	Invoice	Invoice No: 286-1	11/14/2023	Paid Amt: \$39.94
				E 01	005 810 000 442 000 Gasoline		\$84.50
PO#:		Voucher #:	104005	Invoice	Invoice No: 1927-2	11/14/2023	Paid Amt: \$84.50
				E 01	005 810 000 442 000 Gasoline		\$65.48
PO#:		Voucher #:	104006	Invoice	Invoice No: 2849-2	11/14/2023	Paid Amt: \$65.48
				E 01	005 810 000 442 000 Gasoline		\$45.68
PO#:		Voucher #:	104007	Invoice	Invoice No: 5749-1	11/14/2023	Paid Amt: \$45.68
				E 01	005 810 000 442 000 Gasoline		\$33.14
PO#:		Voucher #:	104008	Invoice	Invoice No: 1288-2	11/14/2023	Paid Amt: \$33.14
Check Amount:							\$1,318.48
0146	MB	85998	17607		FIRST TECHNOLOGIES INC		Check
				E 01	300 255 000 350 000 #MT0314 Fan cooling assembly		\$44.80
				E 01	300 255 000 350 000 Shipping		\$20.00
PO#: 49519		Voucher #:	104009	Invoice	Invoice No: 923610087	11/14/2023	Paid Amt: \$64.80
Check Amount:							\$64.80
0146	MB	85999	10060		FUCHS SANITATION, INC		Check
				E 01	005 810 000 330 000 Garbage		\$1,205.83
PO#:		Voucher #:	103984	Invoice	Invoice No: 115263	11/14/2023	Paid Amt: \$1,205.83
Check Amount:							\$1,205.83
0146	MB	86000	14085		GRAPHIC EDGE DBA GAME ONE		Check
				E 01	300 292 000 401 505 Augusta Tri-Color Backpack		\$200.00

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	86000	14085		GRAPHIC EDGE DBA GAME ONE		Check
				E 01	300 292 000 401 505 Shipping		\$12.00
	PO#: 49423	Voucher #: 104032	Invoice	Invoice No: 1716164	11/14/2023	Paid Amt:	\$212.00
						Check Amount:	\$212.00
0146	MB	86001	15680		GRUCHOW, BRANDON		Check
				E 01	300 294 000 401 506 Wrestling Scale Calibration		\$200.00
	PO#:	Voucher #: 104010	Invoice	Invoice No: 110223	11/14/2023	Paid Amt:	\$200.00
						Check Amount:	\$200.00
0146	MB	86002	17698		HELLO LITERACY INC		Check
				E 01	100 203 302 460 000 Orange Fiction Books		\$1,556.00
				E 01	100 203 302 460 000 Pink Fiction Books		\$1,556.00
				E 01	100 203 302 460 000 Yellow Fiction Books		\$1,556.00
				E 01	100 203 302 460 000 shipping		\$466.80
	PO#: 49498	Voucher #: 104012	Invoice	Invoice No: 1351	11/14/2023	Paid Amt:	\$5,134.80
						Check Amount:	\$5,134.80
0146	MB	86003	15388	remit	INNOVATIVE OFFICE SOLUTIONS LLC		Check
				E 01	005 110 000 401 000 HEWCE255X TONER,F/ HP P3015, HY,BK		\$227.43
	PO#: 49600	Voucher #: 104081	Invoice	Invoice No: IN4381328	11/14/2023	Paid Amt:	\$227.43
						Check Amount:	\$227.43
0146	MB	86004	17618		IRELAND TRIP		Check
				E 01	300 299 000 305 000 Fees For Services		\$37.46
	PO#:	Voucher #: 104013	Invoice	Invoice No: 102823	11/14/2023	Paid Amt:	\$37.46
						Check Amount:	\$37.46
0146	MB	86005	16615		JIFFY JONS INC		Check
				E 01	005 811 000 350 000 Jiffy Jon Rent (Football)		\$392.00
	PO#:	Voucher #: 104014	Invoice	Invoice No: 73756	11/14/2023	Paid Amt:	\$392.00
						Check Amount:	\$392.00
0146	MB	86006	10405		JK SPORTS		Check
				E 01	300 296 000 401 513 Women Legacy Basketballs		\$630.00
				E 01	300 296 000 401 513 Mark V basketball score books		\$54.75
				E 01	300 296 000 401 513 Freight		\$28.30
	PO#: 49482	Voucher #: 104018	Invoice	Invoice No: 95602	11/14/2023	Paid Amt:	\$713.05
				E 01	300 294 000 401 503 Spalding TF 1000 Legacy Deep Channel Boys		\$840.00
				E 01	300 294 000 401 503 Slipp-Nott Replacement Mat		\$59.00
				E 01	300 294 000 401 503 Shipping		\$28.70
	PO#: 49559	Voucher #: 104019	Invoice	Invoice No: 95587	39 11/14/2023	Paid Amt:	\$927.70
						Check Amount:	\$1,640.75

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Detail Payment Register By Check

Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	86010	14364		KENNEDY & GRAVEN, CHARTERED		Check
				E 01	005 105 000 305 000 Fees For Services		\$100.00
PO#:		Voucher #:	104031	Invoice	Invoice No: 177704	11/14/2023	Paid Amt: \$100.00
							Check Amount: \$100.00
0146	MB	86011	10190	remit	LAKE AGASSIZ EDUCATION COOPERATIVE		Check
				E 01	200 420 740 396 000 Sp Ed Sal Pur F Other D		\$8,611.73
				E 01	200 401 740 396 000 Sp Ed Sal Pur F Other D		\$2,562.41
				E 01	200 404 740 396 000 Sp Ed Sal Pur F Other D		\$98.86
				E 01	200 420 740 396 000 Sp Ed Sal Pur F Other D		\$308.91
				E 01	100 740 160 377 013 Licensed Social Worker		\$4,715.60
				E 01	200 406 740 396 000 Sp Ed Sal Pur F Other D		\$189.10
PO#:		Voucher #:	104033	Invoice	Invoice No: November 2023	11/14/2023	Paid Amt: \$16,486.61
							Check Amount: \$16,486.61
0146	MB	86012	13592	REMIT	MARCO TECHNOLOGIES LLC		Check
				E 01	005 110 302 580 000 Copier Contract		\$712.75
				E 01	300 211 302 580 000 Copier Contract		\$1,425.51
				E 01	100 203 302 580 000 Copier Contract		\$1,425.51
				E 01	005 110 302 580 000 Supply Freight		\$7.80
				E 01	300 211 302 580 000 Supply Freight		\$15.60
				E 01	100 203 302 580 000 Supply Freight		\$15.60
PO#:		Voucher #:	104034	Invoice	Invoice No: 515167799	11/14/2023	Paid Amt: \$3,602.77
							Check Amount: \$3,602.77
0146	MB	86013	17278		MENARDS		Check
				E 01	300 301 830 433 000 25' or 50" garden hose		\$54.99
				E 01	300 301 830 433 000 perlite		\$11.94
				E 01	300 301 830 433 000 shallow plastic totes		\$33.96
				E 01	300 301 830 433 000 Clear tote with hard lid		\$5.59
				E 01	300 301 830 433 000 Solo cups		\$5.84
				E 01	300 301 830 433 000 cotton string		\$3.99
				E 01	300 301 830 433 000 Metal can with lid for floor dry		\$18.49
				E 01	300 301 830 433 000 Clear shields for grinding		\$69.95
				E 01	300 301 830 433 000 oxy sheilds for welding		\$71.96
				E 01	300 301 830 433 000 welpers		\$25.54
				E 01	300 301 830 433 000 grilla Tape		\$30.33
				E 01	300 301 830 433 000 Brass brushes		\$8.99
				E 01	300 301 830 433 000 Skull caps		\$24.98
PO#: 49561		Voucher #:	104042	Invoice	Invoice No: 82806	41 11/14/2023	Paid Amt: \$366.55
				E 01	005 810 000 410 000 Bit		\$4.99

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	86013	17278		MENARDS		Check
				E 01	005 810 000 410 000	folding tables	\$779.90
	PO#: 49566	Voucher #: 104043	Invoice	Invoice No: 82398	11/14/2023		Paid Amt: \$784.89
				E 01	005 810 000 410 000	distilled water	\$3.66
				E 01	005 810 000 410 000	tennis balls te remove scuff marks	\$11.94
				E 01	005 810 000 410 000	AAA bateries	\$18.99
				E 01	005 810 000 410 000	AA batteries	\$113.94
				E 01	005 810 000 410 000	plastic anchors	\$9.73
				E 01	005 810 000 410 000	Zip ties	\$9.79
				E 01	005 760 733 401 000	tire gauge	\$25.98
				E 01	005 810 000 410 000	spray nozzel	\$12.99
				E 01	005 810 000 410 000	wax ring	\$5.38
				E 01	005 810 000 410 000	screws	\$16.74
	PO#: 49567	Voucher #: 104044	Invoice	Invoice No: 82182	11/14/2023		Paid Amt: \$229.14
						Check Amount:	\$1,380.58
0146	MB	86014	12942		MIDWEST BANK		Check
				E 01	300 294 000 369 502	Meal Money for State FB	\$1,920.00
				E 01	300 294 000 366 502	Meal Money for Coaches for State Football	\$480.00
	PO#:	Voucher #: 104045	Invoice	Invoice No: 111323	11/14/2023		Paid Amt: \$2,400.00
						Check Amount:	\$2,400.00
0146	MB	86015	10416		MINNESOTA UI		Check
				E 04	005 505 321 280 000	Unemployment Comp	\$479.84
				E 01	005 790 000 281 000	Between Term Unemployment	\$36,055.14
	PO#:	Voucher #: 104039	Invoice	Invoice No: 106-002	11/14/2023		Paid Amt: \$36,534.98
						Check Amount:	\$36,534.98
0146	MB	86016	14380	clinic	MMEA CLINIC		Check
				E 01	300 640 316 366 000	Midwinter Clinic - J Gylland	\$150.00
	PO#:	Voucher #: 104037	Invoice	Invoice No: 111323	11/14/2023		Paid Amt: \$150.00
				E 01	300 640 316 366 000	Midwinter Clinic - G Tangen	\$150.00
	PO#:	Voucher #: 104038	Invoice	Invoice No: 111323	11/14/2023		Paid Amt: \$150.00
						Check Amount:	\$300.00
0146	MB	86017	17727		MN PLAYGROUND INC		Check
				E 06	005 870 000 305 895	Install playground equipment	\$30,250.00
	PO#: 49568	Voucher #: 104041	Invoice	Invoice No: 2023529	11/14/2023		Paid Amt: \$30,250.00
						Check Amount:	\$30,250.00
0146	MB	86018	11039		MN ST COMMUNITY/TECH COLLEGE		Check
				E 01	998 790 000 390 000	Fall Concurrent CHEM 1100 Chemisty	\$3,000.00
				E 01	998 790 000 390 000	Fall Concurrent College Algebra	\$3,000.00



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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	86018	11039		MN ST COMMUNITY/TECH COLLEGE		Check
				E 01	998 790 000 390 000 Fall Concurrent MATH 1134 Calculus 1	\$3,000.00	
PO#:		Voucher #:	104035	Invoice	Invoice No: 00871007	11/14/2023	Paid Amt: \$9,000.00
				E 01	998 790 000 390 000 e campus college	\$25,600.00	
				E 01	998 790 000 390 000 Inclusive Access Fee	\$180.25	
PO#:		Voucher #:	104036	Invoice	Invoice No: 00870868	11/14/2023	Paid Amt: \$25,780.25
							Check Amount: \$34,780.25
0146	MB	86019	17672		MY TURN PLAYSYSTEMS INC		Check
				E 06	005 870 000 401 895 Play ground border	\$1,680.00	
				E 06	005 870 000 401 895 ADA ramps	\$2,100.00	
				E 06	005 870 000 401 895 freight	\$880.00	
PO#: 49526		Voucher #:	104040	Invoice	Invoice No: 1924	11/14/2023	Paid Amt: \$4,660.00
							Check Amount: \$4,660.00
0146	MB	86020	10452	remit	NAPA CENTRAL		Check
				E 01	005 760 733 401 000 valve core tool, anti jet	\$37.97	
PO#:		Voucher #:	104046	Invoice	Invoice No: 399202	11/14/2023	Paid Amt: \$37.97
				E 01	005 760 733 401 000 wiper blades	\$29.98	
PO#:		Voucher #:	104047	Invoice	Invoice No: 398489	11/14/2023	Paid Amt: \$29.98
							Check Amount: \$67.95
0146	MB	86021	15415		NCPERS GROUP LIFE INS.		Check
				B 01	215 028 PERA Life Insurance	\$128.00	
PO#:		Voucher #:	104049	Invoice	Invoice No: 108802112023	11/14/2023	Paid Amt: \$128.00
							Check Amount: \$128.00
0146	MB	86022	10218		NORTHWEST IRON FIREMAN, INC		Check
				E 01	005 812 000 420 000 Boiler gaskets	\$16.50	
PO#: 49570		Voucher #:	104048	Invoice	Invoice No: 7210	11/14/2023	Paid Amt: \$16.50
							Check Amount: \$16.50
0146	MB	86023	12076	remit	PREMIUM WATERS, INC.		Check
				E 01	005 720 000 401 000 General Supplies	\$170.37	
PO#:		Voucher #:	104050	Invoice	Invoice No: 502958-10-23	11/14/2023	Paid Amt: \$170.37
							Check Amount: \$170.37
0146	MB	86024	16017	REMIT	PURCHASE POWER		Check
				E 01	005 110 000 329 000 postage	\$500.00	
PO#:		Voucher #:	104078	Invoice	Invoice No: 110823	11/14/2023	Paid Amt: \$500.00
							Check Amount: \$500.00

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	86025	10166		REGION I		Check
				E 01	005 110 000 316 000 Time Tracker		\$1,371.00
PO#:		Voucher #:	104064	Invoice	Invoice No: 13501	11/14/2023	Paid Amt: \$1,371.00
							Check Amount: \$1,371.00
0146	MB	86026	17471		REINHART FOODSERVICE LLC		Check
				E 02	005 770 701 490 000 Food		\$3,083.61
				E 02	005 770 705 490 000 Breakfast Food		\$846.35
				E 02	005 770 701 401 000 General Supplies		\$242.78
PO#:		Voucher #:	104051	Invoice	Invoice No: 805079	11/14/2023	Paid Amt: \$4,172.74
				E 02	005 770 701 490 000 Commodities		\$199.50
PO#:		Voucher #:	104052	Invoice	Invoice No: 800897	11/14/2023	Paid Amt: \$199.50
				E 02	005 770 701 490 000 Food		\$2,599.95
				E 02	005 770 705 490 000 Breakfast Food		\$580.13
				E 02	005 770 701 401 000 General Supplies		\$159.66
				E 01	300 299 000 401 000 General Supplies		\$11.68
PO#:		Voucher #:	104053	Invoice	Invoice No: 797010	11/14/2023	Paid Amt: \$3,351.42
				E 02	005 770 701 490 000 Food		\$3,342.93
				E 02	005 770 701 401 000 General Supplies		\$207.20
				E 02	005 770 705 490 000 Breakfast Food		\$540.93
				E 02	005 770 707 490 000 Food		\$319.26
PO#:		Voucher #:	104054	Invoice	Invoice No: 797011	11/14/2023	Paid Amt: \$4,410.32
				E 02	005 770 701 490 000 Commodities		\$63.00
PO#:		Voucher #:	104055	Invoice	Invoice No: 792800	11/14/2023	Paid Amt: \$63.00
				E 02	005 770 705 490 000 Return		\$141.03
PO#:		Voucher #:	104056	Credit	Invoice No: 794359	11/14/2023	Paid Amt: (\$141.03)
				E 02	005 770 701 490 000 Food		\$3,183.01
				E 02	005 770 705 490 000 Breakfast Food		\$1,220.97
				E 02	005 770 701 401 000 General Supplies		\$127.46
				E 02	005 770 701 495 000 Milk		\$1,446.48
PO#:		Voucher #:	104057	Invoice	Invoice No: 789081	11/14/2023	Paid Amt: \$5,977.92
				E 02	005 770 701 490 000 Food		\$2,607.63
				E 02	005 770 701 401 000 General Supplies		\$175.01
				E 02	005 770 705 490 000 Breakfast Food		\$187.45
				E 02	005 770 707 490 000 Food		\$354.27
PO#:		Voucher #:	104058	Invoice	Invoice No: 789082	11/14/2023	Paid Amt: \$3,324.36
				E 02	005 770 701 490 000 Commodities		\$89.25
PO#:		Voucher #:	104059	Invoice	Invoice No: 786194	44 11/14/2023	Paid Amt: \$89.25
				E 02	005 770 701 490 000 Food		\$2,881.70
				E 02	005 770 701 401 000 General Supplies		\$93.49

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	86026	17471		REINHART FOODSERVICE LLC		Check
				E 02	005 770 705 490 000 Breakfast Food		\$338.96
PO#:		Voucher #:	104060	Invoice	Invoice No: 778863	11/14/2023	Paid Amt: \$3,314.15
				E 04	005 509 321 490 000 Kids Club Snacks		\$743.61
PO#:		Voucher #:	104061	Invoice	Invoice No: 779361	11/14/2023	Paid Amt: \$743.61
				E 02	005 770 701 490 000 Food		\$2,886.43
				E 02	005 770 705 490 000 Breakfast Food		\$818.55
				E 02	005 770 701 401 000 General Supplies		\$45.88
PO#:		Voucher #:	104062	Invoice	Invoice No: 779362	11/14/2023	Paid Amt: \$3,750.86
							Check Amount: \$29,256.10
0146	MB	86027	14553	REMIT	ROCHESTER TELECOM SYSTEMS		Check
				E 01	005 810 000 320 000 Communication		\$112.81
				E 04	005 505 321 320 000 Communication		\$0.34
PO#:		Voucher #:	104063	Invoice	Invoice No: 29940	11/14/2023	Paid Amt: \$113.15
							Check Amount: \$113.15
0146	MB	86028	11878		SCHRITZ PLUMBING & HEATING		Check
				E 01	005 812 000 350 000 labor		\$110.00
				E 01	005 812 000 350 000 labor		\$220.00
				E 01	005 812 000 350 000 Delta faucet		\$105.70
				E 01	005 812 000 350 000 faucet hole covers		\$16.00
PO#: 49571		Voucher #:	104066	Invoice	Invoice No: 018646	11/14/2023	Paid Amt: \$451.70
							Check Amount: \$451.70
0146	MB	86029	11442		SHERWIN-WILLIAMS COMPANY		Check
				E 01	005 812 000 420 000 Agreeable Gray paint		\$152.25
				E 01	005 812 000 420 000 Dewberry paint		\$30.45
PO#: 49580		Voucher #:	104068	Invoice	Invoice No: 8921-4	11/14/2023	Paid Amt: \$182.70
							Check Amount: \$182.70
0146	MB	86030	15457	remit	SHI SOFTWARE		Check
				E 01	300 211 302 530 000 Benq RM6503 Interactive TV		\$2,250.00
				E 01	300 211 302 530 000 shipping		\$100.00
PO#: 49410		Voucher #:	104065	Invoice	Invoice No: B17570845	11/14/2023	Paid Amt: \$2,350.00
							Check Amount: \$2,350.00
0146	MB	86031	13919		SPANISH		Check
				E 01	300 299 000 305 000 Fees For Services		\$426.92
PO#:		Voucher #:	104067	Invoice	Invoice No: 102423	11/14/2023	Paid Amt: \$426.92
							Check Amount: \$426.92

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	86032	17599		ST JOHN'S UNIVERSITY		Check
				E 01	300 294 000 305 502 Dome rental		\$450.00
PO#:		Voucher #:	104082	Invoice	Invoice No: 6	11/14/2023	Paid Amt: \$450.00
							Check Amount: \$450.00
0146	MB	86033	14824	remit	SUMMIT FIRE PROTECTION		Check
				E 06	005 870 000 305 896 Move sprinkler heads		\$675.00
PO#: 49581		Voucher #:	104069	Invoice	Invoice No: 2228451	11/14/2023	Paid Amt: \$675.00
							Check Amount: \$675.00
0146	MB	86034	10295		US FOODS		Check
				E 02	005 770 707 490 000 Food		\$58.20
				E 02	005 770 705 490 000 Breakfast Food		\$300.86
				E 02	005 770 701 490 000 Food		\$1,054.10
PO#:		Voucher #:	104070	Invoice	Invoice No: 4852420	11/14/2023	Paid Amt: \$1,413.16
				E 02	005 770 701 401 000 General Supplies		\$55.22
				E 02	005 770 705 490 000 Breakfast Food		\$132.58
				E 02	005 770 701 490 000 Food		\$680.01
PO#:		Voucher #:	104071	Invoice	Invoice No: 5027940	11/14/2023	Paid Amt: \$867.81
				E 02	005 770 701 490 000 Food		\$811.81
PO#:		Voucher #:	104072	Invoice	Invoice No: 5207119	11/14/2023	Paid Amt: \$811.81
				E 02	005 770 701 495 000 Milk		\$265.80
				E 02	005 770 705 490 000 Breakfast Food		\$175.72
				E 02	005 770 701 490 000 Food		\$1,018.89
PO#:		Voucher #:	104073	Invoice	Invoice No: 5386561	11/14/2023	Paid Amt: \$1,460.41
				E 02	005 770 701 401 000 General Supplies		\$214.29
				E 02	005 770 705 490 000 Breakfast Food		\$334.71
				E 02	005 770 701 490 000 Food		\$876.56
PO#:		Voucher #:	104074	Invoice	Invoice No: 5562195	11/14/2023	Paid Amt: \$1,425.56
							Check Amount: \$5,978.75
0146	MB	86035	17693		VALLEY GREEN & ASSOCIATES		Check
				E 01	005 811 000 350 000 Sprinkler repair and shut down		\$784.82
PO#: 49598		Voucher #:	104075	Invoice	Invoice No: 221804	11/14/2023	Paid Amt: \$784.82
							Check Amount: \$784.82
0146	MB	86036	17254		VINCO INC		Check
				E 06	005 870 000 305 896 Math Room HVAC RTU installation		\$56,906.00
PO#: 49154		Voucher #:	104076	Invoice	Invoice No: 58459	11/14/2023	Paid Amt: \$56,906.00
							Check Amount: \$56,906.00

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Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	86043	17211		MILESTONES & MEMORIES, LLC		Check
				E 01	300 211 000 432 000 Bronze Academic Pins - 32-1979		\$106.25
				E 01	300 211 000 432 000 Freight		\$8.12
	PO#: 49198	Voucher #:	104099	Invoice	Invoice No: 1078	11/16/2023	Paid Amt: \$114.37
							Check Amount: \$114.37
0146	MB	86044	17252		PIERCE LEE ROOFING, LLC		Check
				E 06	005 870 000 520 807 Roofing		\$67,874.00
	PO#:	Voucher #:	104096	Invoice	Invoice No: Draw #39	11/16/2023	Paid Amt: \$67,874.00
							Check Amount: \$67,874.00
0146	MB	86045	16905		RA MORTON & ASSOCIATES LLC		Check
				E 06	005 870 000 305 883 Job Overhead		\$50.79
	PO#:	Voucher #:	104095	Invoice	Invoice No: Draw #39	11/16/2023	Paid Amt: \$50.79
							Check Amount: \$50.79
0146	MB	86046	15043		SCHATZ, TAYLOR		Check
				E 04	005 505 321 305 000 TKD		\$1,049.60
	PO#:	Voucher #:	104094	Invoice	Invoice No: 111523	11/16/2023	Paid Amt: \$1,049.60
							Check Amount: \$1,049.60
0146	MB	86047	10140		STEIN'S INC		Check
				E 01	005 810 000 410 000 mop handle		\$118.08
				E 01	005 720 302 401 000 liner		\$59.77
	PO#: 49575	Voucher #:	104085	Invoice	Invoice No: 927151	11/16/2023	Paid Amt: \$177.85
				E 01	005 810 000 410 000 33 gal can liner		\$133.80
	PO#: 49574	Voucher #:	104086	Invoice	Invoice No: 925508-2	11/16/2023	Paid Amt: \$133.80
				E 01	005 720 302 401 000 Tampons		\$188.96
				E 01	005 720 302 401 000 napkins		\$217.96
				E 01	005 720 302 401 000 freight		\$5.00
	PO#: 49572	Voucher #:	104087	Invoice	Invoice No: 927084	11/16/2023	Paid Amt: \$411.92
				E 01	005 810 000 410 000 can liner 24x32		\$67.16
	PO#: 49573	Voucher #:	104088	Invoice	Invoice No: 927078	11/16/2023	Paid Amt: \$67.16
				E 01	005 810 000 410 000 Drain away		\$98.49
				E 01	005 865 352 401 000 nitrile gloves		\$67.90
				E 01	005 810 000 410 000 Voltreet		\$221.34
				E 01	005 810 000 410 000 os-192		\$551.95
				E 01	005 810 000 410 000 freight		\$5.00
	PO#: 49612	Voucher #:	104101	Invoice	Invoice No: 927889	11/16/2023	Paid Amt: \$944.68
				E 01	005 810 000 410 000 Return		\$200.40
	PO#:	Voucher #:	104102	Credit	Invoice No: 927387	48 11/16/2023	Paid Amt: (\$200.40)
				E 01	005 810 000 410 000 mop handle		\$29.52
	PO#: 49611	Voucher #:	104103	Invoice	Invoice No: 927151-1	11/16/2023	Paid Amt: \$29.52

Barnesville Public Schools #146

Detail Payment Register By Check

Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	86047	10140		STEIN'S INC		Check
				E 01	005 810 000 410 000		\$227.52
				E 01	005 810 000 410 000		\$21.48
				E 01	005 810 000 410 000		\$17.28
PO#: 49610	Voucher #:	104104	Invoice	Invoice No:	927979	11/16/2023	Paid Amt: \$266.28
			E 01	005 810 000 410 000	Can liner 38x58		\$215.00
			E 01	005 720 302 401 000	feminine napkins		\$108.98
			E 01	005 720 302 401 000	tampons		\$94.48
			E 01	005 720 302 401 000	liner		\$59.77
			E 01	005 810 000 410 000	freight		\$5.00
PO#: 49609	Voucher #:	104105	Invoice	Invoice No:	928070	11/16/2023	Paid Amt: \$483.23
			E 01	005 810 000 410 000	can liner 24x32		\$167.90
			E 01	005 865 352 401 000	nitrile gloves		\$67.90
			E 01	005 810 000 410 000	Freight		\$5.00
PO#: 49608	Voucher #:	104106	Invoice	Invoice No:	927386	11/16/2023	Paid Amt: \$240.80
Check Amount:							\$2,554.84
0146	MB	86048	17253		TRAILL PAINTING		Check
				E 06	005 870 000 305 809	Painting	\$11,108.00
PO#:	Voucher #:	104097	Invoice	Invoice No:	Draw #39	11/16/2023	Paid Amt: \$11,108.00
Check Amount:							\$11,108.00
0146	MB	86049	17702		TWIN CITY GARAGE DOOR CO		Check
				E 06	005 870 000 401 885	Door on shed at football field	\$1,350.00
PO#: 49613	Voucher #:	104100	Invoice	Invoice No:	714281	11/16/2023	Paid Amt: \$1,350.00
Check Amount:							\$1,350.00
0146	MB	86050	13590		WE TRAVEL PC INC		Check
				E 01	005 630 302 305 000	Technology Coordinator	\$7,924.00
PO#:	Voucher #:	104089	Invoice	Invoice No:	1079	11/16/2023	Paid Amt: \$7,924.00
			E 01	005 715 342 405 000	BHS PC & Mac Management		\$750.00
PO#: 49605	Voucher #:	104090	Invoice	Invoice No:	13298	11/16/2023	Paid Amt: \$750.00
			E 01	005 612 000 405 000	District Staff DNS Internet Filter - Covers all Si		\$99.00
PO#: 49605	Voucher #:	104091	Invoice	Invoice No:	13300	11/16/2023	Paid Amt: \$99.00
			E 01	005 612 000 455 000	DisplayPort to VGA Adapter		\$35.98
			E 01	005 612 000 401 000	Dell 1130n Toners		\$59.98
			E 01	300 612 000 401 000	Wireless Presentation Clicker		\$19.99
			E 01	005 612 000 401 000	HP 85A Black Toner		\$159.99
			E 04	005 505 321 401 000	Brother Genuine TN760 Toner		\$160.88
PO#: 49605	Voucher #:	104092	Invoice	Invoice No:	13263	49 11/16/2023	Paid Amt: \$436.82
			E 01	005 715 342 405 000	Cyber Security: Avanan Email Security		\$594.00
			E 01	005 715 342 405 000	Cyber Security: Google Workspace Backup		\$420.00



Co	Bank	Check No	Code	Rcd	Vendor	Pmt/Void Date	Pmt Type
0146	MB	86050	13590		WE TRAVEL PC INC		Check
				E 01	005 715 342 405 000	Cyber Security: Server Protection	\$250.00
				E 01	005 715 342 405 000	Cyber Security: Advanced EDR (PCS)	\$745.00
				E 01	005 715 342 405 000	Cyber Security: Advanced EDR (Macs)	\$350.00
				E 01	005 715 342 405 000	Vulnerability Scanning & Compliance Manager	\$250.00
				E 01	005 715 342 405 000	Staff Cyber Security Training	\$312.00
PO#: 49605		Voucher #:	104093	Invoice	Invoice No: 13299	11/16/2023	Paid Amt: \$2,921.00
							Check Amount: \$12,130.82
							Report Total: \$906,107.42

Barnesville Public Schools #146
Detail Payment Register By Check
Fund Summary

Fund	Description	Total
01	General Fund	\$676,613.67
02	Food Service	\$39,766.51
04	Community Service	\$6,044.96
06	Building Construction	\$183,682.28
Report Total		\$906,107.42

Student Activity Account
Detail Payment Register By Check

Co		Bank		Check		Red		Vendor		PmtNoid	Date		Pmt	Type
1146	MN	18256	1008					ASKEGAARD, MEGAN					Check	
				E	01	300	298	000	401	540	Team Meal	\$203.00		
	PO#:	Voucher#:		5103	Invoice			Invoice No:	10192023		10/27/2023		Paid Amt:	\$203.00
													Check Amount:	\$203.00
1146	MN	18257	1044					GYLLAND, JENNIFER					Check	
				E	01	300	298	000	401	315	Prap concert	\$25.99		
	PO#:	Voucher#:		5102	Invoice			Invoice No:	10142023		10/27/2023		Paid Amt:	\$25.99
													Check Amount:	\$25.99
1146	MN	18258	1065					MIDWEST BANK					Check	
				E	01	100	298	000	401	110	MidWest Bank-Book Fair	\$480.00		
	PO#:	Voucher#:		5104	Invoice			Invoice No:	11032023		11/3/2023		Paid Amt:	\$480.00
													Check Amount:	\$480.00
1146	MN	18259	1016					BARNESVILLE GROCERY					Check	
				E	01	300	298	000	401	370	Pumpkin Pie supplies	\$15.44		
	PO#:	Voucher#:		5111	Invoice			Invoice No:	11032023		11/3/2023		Paid Amt:	\$15.44
													Check Amount:	\$15.44
1146	MN	18260	1634					COTTONWOOD DESIGNS					Check	
				E	01	100	298	000	401	110	Unity Day Shirts	\$883.00		
	PO#:	Voucher#:		5105	Invoice			Invoice No:	803471		11/3/2023		Paid Amt:	\$883.00
													Check Amount:	\$883.00
1146	MN	18261	1026					ISD#146					Check	
				E	01	300	298	000	401	580	Team Meal Purple Goose	\$297.75		
	PO#:	Voucher#:		5107	Invoice			Invoice No:	11032023		11/3/2023		Paid Amt:	\$297.75
													Check Amount:	\$297.75
1146	MN	18262	1057					JOSTENS, INC					Check	
				E	01	300	298	000	401	580	District Champion Trophy	\$250.71		
	PO#:	Voucher#:		5106	Invoice			Invoice No:	775344		11/3/2023		Paid Amt:	\$250.71
													Check Amount:	\$250.71
1146	MN	18263	1061					LONG WEEKEND SPORTSWEAR					Check	
				E	01	300	298	000	401	580	Section Champ Tshirts	\$20.00		
	PO#:	Voucher#:		5108	Invoice			Invoice No:	27743		11/3/2023		Paid Amt:	\$20.00
				E	01	300	298	000	401	580	Football Section Tshirts	\$1,131.00		
	PO#:	Voucher#:		5109	Invoice			Invoice No:	27733		11/3/2023		Paid Amt:	\$1,131.00
				E	01	300	298	000	401	580	Section Champ Tshirts	\$90.00		
	PO#:	Voucher#:		5110	Invoice			Invoice No:	27734		11/3/2023		Paid Amt:	\$90.00
													Check Amount:	\$1,241.00

Student Activity Account

Detail Payment Register By Check

Co	Bank	Check No	Code	Red	Vendor	Pmt/Void Date	Pmt Type		
1146	MN	18264	1434		AMAZON CAPITAL SERVICES		Check		
				E 01	300 298 000 401 440 Books for Book Club			\$38.88	
	PO#: 1448	Voucher#:	5116	Invoice	Invoice No: 1XJP-XFQ4-HDD3	11/9/2023	Paid Amt:	\$38.88	
							Check Amount:	\$38.88	
1146	MN	18265	1407		DETROIT LAKES STUDENT COUNCIL		Check		
				E 01	300 298 000 401 470 Stud Co Western division			\$180.00	
	PO#:	Voucher#:	5115	Invoice	Invoice No: 11092023	11/9/2023	Paid Amt:	\$180.00	
							Check Amount:	\$180.00	
1146	MN	18266	1048		GERRELLS SPORT CENTER, INC		Check		
				E 01	300 298 000 401 580 Scorebooks			\$40.00	
	PO#:	Voucher#:	5113	Invoice	Invoice No: 2200000074381	11/9/2023	Paid Amt:	\$40.00	
							Check Amount:	\$40.00	
1146	MN	18267	1026		ISO #146		Check		
				E 01	300 298 000 401 580 Team Meal			\$753.12	
	PO#:	Voucher#:	5112	Invoice	Invoice No: 11082023	11/9/2023	Paid Amt:	\$753.12	
				E 01	300 298 000 401 540 Volleyball Awards			\$130.75	
	PO#:	Voucher#:	5114	Invoice	Invoice No: crowntrophy	11/9/2023	Paid Amt:	\$130.75	
							Check Amount:	\$883.87	
1146	MN	18268	1016		BARNESVILLE GROCERY		Check		
				E 01	300 298 000 401 370 Cupcakes			\$5.88	
	PO#:	Voucher#:	5120	Invoice	Invoice No: 7218	11/15/2023	Paid Amt:	\$5.88	
							Check Amount:	\$5.88	
1146	MN	18269	1108		EF EDUCATIONAL TOURS		Check		
				E 01	300 298 000 401 380 Trip Payments			\$4,160.82	
	PO#:	Voucher#:	5117	Invoice	Invoice No: 11152023	11/15/2023	Paid Amt:	\$4,160.82	
							Check Amount:	\$4,160.82	
1146	MN	18270	1026		ISD#146		Check		
				E 01	100 298 000 401 110 Kind Bus Trip			\$341.25	
	PO#:	Voucher#:	5118	Invoice	Invoice No: 11152023	11/15/2023	Paid Amt:	\$341.25	
							Check Amount:	\$341.25	
1146	MN	18271	1055		JK SPORTS		Check		
				E 01	300 298 000 401 530 Team Supplies			\$138.95	
	PO#:	Voucher#:	5119	Invoice	Invoice No: 95603	11/15/2023	Paid Amt:	\$138.95	
							Check Amount:	\$138.95	
53							Report Total:	\$9,186.54	

CLAIMS PRESENTED TO THE BOARD OF EDUCATION						
Monday, November 20, 2023						
Ackerson, Heidi				\$754.01		
		Paraprofessional Substitute	\$754.01			
Amundson, Scott				\$368.00		
		Activity Worker	\$368.00			
Anderson, Madelyn				\$21.09		
		Paraprofessional	\$21.09			
Askegaard, Matthew				\$2,359.03		
		Teacher Substitute	\$64.00			
		Staff Development	\$836.13			
		Community Ed	\$1,358.90			
		Activity Worker	\$100.00			
Askegaard, Megan				\$184.00		
		Activity Worker	\$184.00			
Bang, Michaela				\$188.27		
		Kids Club	\$188.27			
Barnes, Addyson				\$77.00		
		Activity Worker	\$77.00			
Bauer, Rylee				\$84.00		
		Activity Worker	\$84.00			
Biewer, Joyce				\$337.13		
		Paraprofessional Substitute	\$337.13			
Blanco, Amira				\$431.85		
		Kids Club	\$410.85			
		Activity Worker	\$21.00			
Blilie, Amber				\$404.00		
		Teacher Substitute	\$128.00			
		Ticket Taker	\$276.00			
Blilie, Macie				\$21.00		
		Activity Worker	\$21.00			
Blomberg, Cassandra				\$3,029.30		
		Kids Club	\$1,292.50			
		Preschool	\$1,736.80			
Bolgrean, Shirley				\$61.63		
		Paraprofessional Substitute	\$61.63			
Bomstad, Ryan				\$163.00		
		Activity Worker	\$163.00			
Bowen, Susan				\$300.88		
		Food Service Substitute	\$300.88			
Braton, Carrie				\$644.00		
		Ticket Taker	\$644.00			
Braton, Lauryn				\$31.64		
		Paraprofessional	\$31.64			

Braton, Lydia			\$21.00		
	Activity Worker	\$21.00			
Buck, Chandra			\$55.53		
	Staff Development	\$55.53			
Carlton, Cheryl			\$2,503.96		
	Paraprofessional	\$1,411.00			
	Preschool	\$1,050.78			
	Staff Development	\$42.18			
Caruso, Amy			\$1,834.35		
	Preschool	\$1,525.13			
	Transportation	\$178.66			
	Community Ed	\$60.00			
	Staff Development	\$70.56			
Chezum, Briana			\$1,379.44		
	Concessions	\$1,379.44			
Clauson, Carol			\$152.25		
	Paraprofessional Substitute	\$152.25			
Cossette, Ella			\$56.00		
	Activity Worker	\$56.00			
Dant, Mariah			\$48.00		
	Teacher Substitute	\$48.00			
Davis, Bruce			\$160.00		
	Custodial Expense	\$160.00			
Davis, McKenzie			\$1,511.63		
	Paraprofessional Substitute	\$1,511.63			
Del Greco, Benjamin			\$96.00		
	Teacher Substitute	\$96.00			
Dosch-Erlandson, Patricia			\$43.00		
	Staff Development	\$43.00			
Duval, Duane			\$160.25		
	Custodial Expense	\$160.25			
Duval, Susan			\$92.00		
	Ticket Taker	\$92.00			
Eberhardt,Laura			\$96.00		
	Teacher Substitute	\$96.00			
Ehlert, Logan			\$20.00		
	Activity Worker	\$20.00			
Ellingson, Erin			\$1,402.00		
	Teacher Substitute	\$64.00			
	Drivers Ed	\$1,200.00			
	Activity Worker	\$138.00			
Ernst, Laurie			\$148.00		
	Custodial Expense	\$148.00			
Fenner, Juanita			\$943.63		
	Food Service Expense	\$943.63			

Field, Erica			\$7.00		
		Activity Worker	\$7.00		
Field, Michelle			\$92.00		
		Activity Worker	\$92.00		
Foss, Kelly			\$48.00		
		Teacher Substitute	\$48.00		
Fradet, Annika			\$300.37		
		Kids Club	\$300.37		
Fradet, Brooke			\$65.00		
		School Board Expense	\$65.00		
Frederick, Sophie			\$21.00		
		Activity Worker	\$21.00		
Getz, Timothy			\$69.49		
		Food Service Expense	\$69.49		
Gilbertson, Carl			\$136.00		
		Custodial Expense	\$136.00		
Goering, John			\$64.00		
		Teacher Substitute	\$64.00		
Grabow, Shari			\$192.00		
		Teacher Substitute	\$192.00		
Green, Rachel			\$340.75		
		Paraprofessional Substitute	\$340.75		
Gylland, Jennifer			\$580.40		
		Staff Development	\$516.40		
		Teacher Substitute	\$64.00		
Halverson, Steven			\$50.00		
		Activity Worker	\$50.00		
Halverson-Wolters, Chrissa			\$1,107.25		
		Breakfast Monitor	\$178.05		
		Community Ed	\$893.59		
		Staff Development	\$35.61		
Hamman, Angela			\$790.02		
		Food Service Expense	\$790.02		
Haspel, Kelsey			\$230.00		
		Activity Worker	\$230.00		
Hauck, Brea			\$54.28		
		Staff Development	\$54.28		
Haus, Jessica			\$55.53		
		Breakfast Monitor	\$33.32		
		Staff Development	\$22.21		
Henrickson, Todd			\$254.28		
		Staff Development	\$116.28		
		Activity Worker	\$138.00		

Herbranson, Joanne			\$17.45		
	Staff Development	\$17.45			
Hermes, Anthony			\$32.00		
	Teacher Substitute	\$32.00			
Hinsz, Tracy			\$204.00		
	Teacher Substitute	\$112.00			
	Activity Worker	\$92.00			
Honrud, Alissa			\$50.00		
	Activity Worker	\$50.00			
Hoyer, Megan			\$140.54		
	Teacher Substitute	\$96.00			
	Staff Development	\$44.54			
Inniger, Holly			\$129.00		
	Teacher Substitute	\$104.00			
	Activity Worker	\$25.00			
Ishaug, Thomas			\$125.00		
	Activity Worker	\$125.00			
John, Abigail			\$21.00		
	Activity Worker	\$21.00			
John, Stephen			\$150.00		
	Activity Worker	\$150.00			
Johnson, Jedidiah			\$253.00		
	Teacher Substitute	\$128.00			
	Activity Worker	\$125.00			
Johnson, Ruth			\$220.26		
	Food Service Expense	\$220.26			
Jordahl, Lowell			\$279.13		
	Custodial Substitute	\$279.13			
Jorud, Laura			\$154.92		
	Staff Development	\$154.92			
Julsrud, Wanda			\$1,827.28		
	Transportation	\$1,827.28			
Kara, Roxanne			\$147.75		
	Custodial Expense	\$147.75			
Kluck, Melissa			\$2,122.19		
	Transportation	\$2,122.19			
Larson, Sarah			\$32.00		
	Teacher Substitute	\$32.00			
Loen, Nancy			\$520.51		
	Staff Development	\$520.51			
Maesse, Kimberly			\$200.00		
	Activity Worker	\$200.00			
Mannning, Lynn			\$47.13		
	Food Service Expense	\$47.13			

Martin, Megan			\$192.00		
		Teacher Substitute	\$192.00		
Martinson, Karie			\$75.00		
		Activity Worker	\$75.00		
Meyer, Sandy			\$363.92		
		Staff Development	\$154.92		
		Activity Worker	\$209.00		
Mueller, Breanna			\$826.24		
		Staff Development	\$826.24		
Mulcahy, Elisabeth			\$156.40		
		Kids Club	\$135.40		
		Activity Worker	\$21.00		
Nelson, Nicole			\$80.00		
		Teacher Substitute	\$80.00		
Nielsen, Emma			\$75.00		
		Activity Worker	\$75.00		
Nord, Brooke			\$42.00		
		Activity Worker	\$42.00		
Odden, Scott			\$312.83		
		Custodial Expense	\$312.83		
Peloubet-Messer, Christine			\$888.72		
		Community Ed	\$449.80		
		Staff Development	\$154.92		
		Activity Worker	\$92.00		
		Teacher Substitute	\$192.00		
Petersen, Monica			\$128.00		
		Teacher Substitute	\$128.00		
Peterson, Kennedy			\$56.00		
		Activity Worker	\$56.00		
Poepping, Sarah			\$368.00		
		Activity Worker	\$368.00		
Power, Olivia			\$165.72		
		Kids Club	\$27.62		
		Community Ed	\$138.10		
Rasmussen, Addyson			\$70.00		
		Activity Worker	\$70.00		
Rasmussen, Janet			\$29.68		
		Staff Development	\$29.68		
Rasmussen, Mallory			\$45.00		
		Activity Worker	\$45.00		
Redding, LaVonne			\$584.82		
		Food Service Expense	\$584.82		
Reep, Richard			\$345.25		
		Custodial Expense	\$345.25		

Rollie, Cynthia			\$379.78		
		Food Service Expense	\$379.78		
Rollie, Dale			\$150.00		
		Activity Worker	\$150.00		
Ronsberg, Betsy			\$211.00		
		Breakfast Monitor	\$188.79		
		Staff Development	\$22.21		
Rotz, Lindsey			\$170.47		
		Kids Club	\$108.32		
		Community Ed	\$62.15		
Rotz, Stacey			\$2,343.16		
		Preschool	\$2,343.16		
Rwolett, Sadie			\$32.00		
		Teacher Substitute	\$32.00		
Samuelson, Craig			\$100.00		
		Activity Worker	\$100.00		
Samuelson, Jodi			\$622.17		
		School Board Expense	\$65.00		
		Staff Development	\$557.17		
Schaub, Michael			\$128.00		
		Teacher Substitute	\$128.00		
Scheffler, Amnada			\$25.00		
		Activity Worker	\$25.00		
Schilling, Ashley			\$35.61		
		Breakfast Monitor	\$11.87		
		Staff Development	\$23.74		
Schilling, Ava			\$476.44		
		Kids Club	\$476.44		
Schilling, Emma			\$7.00		
		Activity Worker	\$7.00		
Schindler, Aaron			\$457.85		
		Staff Development	\$307.85		
		Activity Worker	\$150.00		
Schmitt, TJ			\$160.00		
		Teacher Substitute	\$160.00		
Schwartz, Ashley			\$61.08		
		Staff Development	\$61.08		
Sefeldt, Sierra			\$35.00		
		Activity Worker	\$35.00		
Seifert, Nicole			\$64.00		
		Teacher Substitute	\$64.00		
Shirek, Laney			\$56.00		
		Activity Worker	\$56.00		

Shirek, Leslie			\$25.00		
	Activity Worker	\$25.00			
Skrove, Jamie			\$23.31		
	Staff Development	\$23.31			
Smith, Heidi			\$32.00		
	Teacher Substitute	\$32.00			
Snobl, Isabella			\$45.00		
	Activity Worker	\$45.00			
Snobl, Scott			\$32.00		
	Teacher Substitute	\$32.00			
Snow, Kayla			\$975.16		
	Kids Club	\$975.16			
Sossa, Brynn			\$297.20		
	Kids Club	\$276.20			
	Activity Worker	\$21.00			
Sossa, Melissa			\$506.00		
	Ticket Taker	\$506.00			
Spillum, Mary			\$786.08		
	Kids Club	\$786.08			
Standford, Gina			\$83.38		
	Paraprofessional Substitute	\$83.38			
Strand, Bryan			\$184.00		
	Activity Worker	\$184.00			
Strand, Nathan			\$64.00		
	Teacher Substitute	\$64.00			
Stuvland, Mya			\$42.00		
	Activity Worker	\$42.00			
Suter, Chad			\$32.00		
	Teacher Substitute	\$32.00			
Thorkildson, Lynn			\$112.00		
	Teacher Substitute	\$112.00			
Trowbridge, Philip			\$298.00		
	Teacher Substitute	\$160.00			
	Activity Worker	\$138.00			
Wilhelm, April			\$39.88		
	Paraprofessional Substitute	\$39.88			
Wilson, Kari			\$92.00		
	Activity Worker	\$92.00			
Wirth, Barbara			\$790.02		
	Food Service Expense	\$790.02			
Xiong, Ger			\$217.24		
	Kids Club	\$217.24			
Yang, Tony			\$210.38		
	Custodial Substitute	\$210.38			

Yeske, Susan			\$100.00		
		Activity Worker	\$100.00		
Zajac, Michelle			\$74.99		
		Staff Development	\$74.99		
Zander, Brynn			\$91.00		
		Activity Worker	\$91.00		
Zepper, Cary			\$749.35		
		Paraprofessional	\$59.35		
		Ticket Taker	\$690.00		
		TOTAL	47,534.53	\$47,534.53	
MSDLAF TRANSFERS TO MIDWEST BANK					
10/18/2023		TRANSFER	\$100,000		
10/18/2023		TRANSFER	\$400,000		
10/18/2023		TRANSFER	\$342,111		
11/1/2023		TRANSFER	\$75,000		
11/1/23		TRANSFER	\$425,000.00		
					\$1,342,111
MIDWEST BANK CREDIT CARD EXPENDITURES					
Jon Ellerbusch					\$724.38
		Zoom subscription	\$17.17		
		Staff Development	\$707.21		
Todd Henrickson					\$0.00
Bryan Strand					\$330.71
		Auxiliary Account Exp.	\$330.71		
Jodi Samuelson					\$238.88
		Subscription	\$100.00		
		HS Science Exp.	\$79.00		
		6th Grade Instr. Exp.	\$59.88		
Aaron Schindler					\$250.00
		E-sports registration	\$100.00		
		Brighthweel Subscription	\$150.00		
Total Credit Card Expense					\$1,543.97

7. Appreciation, Recognition and Presentations

A. Mya Haspel is Essay Contest Winner at State Level Class II (Grades 5 & 6) - "How can we support families who care for their veterans?"

B. World's Best Workforce

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Presented by Superintendent Ellerbusch

Barnesville Public Schools

World's Best Workforce

Annual Report 2023

Presented by:

Mr. Todd Henrickson, Elementary Principal

Mr. Bryan Strand, High School Principal

Dr. Jon Ellerbusch, Superintendent

November 20, 2023

Overview

Vision, Mission and Core Values
District Profile

Student Growth

Sites Accountability Measures
22-23 World's Best Workforce Results
23-24 World's Best Workforce Goals

Initiatives & Accomplishments

Elementary School
High School

Partnerships

District Partnerships
Find Us at <https://www.barnesville.k12.mn.us/>

OUR VISION

Recognized for excellence, integrity and challenging learners to reach their full potential.



OUR MISSION

Working collaboratively to develop responsible students in an innovative environment.



OUR CORE VALUES/BELIEFS

- ❖ Putting children first to prepare them for the future.
- ❖ Promoting academics, arts and athletics.
- ❖ Promoting school spirit and enthusiasm so that all feel connected and proud.
- ❖ Effective Communication.
- ❖ Collaboration and team building for a professional learning community.
- ❖ Fair and Equal Opportunity for All Students.
- ❖ Accommodate All Learners.

OUR CORE VALUES/BELIEFS

- ❖ Partnering with Families and Community.
- ❖ Adhering to the “Code of Conduct.”
 - Commitment- loyal and dedicated
 - Honesty- truthful
 - Respect- considerate of self and others
 - Responsibility- accountable
 - Safety- words, actions, and deeds
- ❖ Data Driven Decisions That Align With District’s Vision, Mission and Core Values.

Schools and Departments

Barnesville Public Schools

Barnesville Elementary School

Mr. Todd Henrickson, Principal
(218) 354-2300

Barnesville High School

Mr. Bryan Strand, Principal
(218) 354-2228

District Offices

Dr. Jon Ellerbusch, Superintendent
(218) 354-2217

Student Activities and Community Education

Mr. Aaron Schindler, Director of Student Activities and Community Education Coordinator
(218) 354-2228



Barnesville Public Schools

Barnesville Public Schools serves Barnesville, Comstock, Wolverton and fifteen townships.



Staff Profile

Number of inexperienced teachers with 3 years or less	6
Number of teachers with 4-10 years of experience	14
Number of teachers with 11 years or more of experience	42
Percentage of teachers teaching in their fully licensed field	90
Percentage of teachers with an advanced degree	70

Student Profile

Race/Ethnicity	Count	Percent
American Indian	15	1.60%
Asian	0	0.00%
Black or African American	6	0.70%
Hispanic or Latino	28	3.10%
Native Hawaiian or Pacific Islander	0	0.00%
Other Indigenous Peoples	8	0.90%
White	840	92.10%
Two or more races	15	1.60%
All students	912	100.00%

Student Achievement Growth

Renaissance for Fluency and Comprehension

Minnesota Comprehensive Assessments (MCA)



Our elementary uses Renaissance to measure academic growth in grades K-6. Students take fall, winter and spring tests in the areas of math and reading.

Students below proficiency in math and/or reading are provided instructional interventions and weekly reassessed.

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MCAs are given each spring for students in grades 3-8, 10 and 11 in the areas of math and reading. Science tests are given in grades 5, 8 and once in high school.

Academic Growth

Early Childhood

Early Childhood offers community preschool, family education, childhood screening, special education, school readiness and young parent services.



Barnesville Elementary School

Elementary teachers are trained and supported by instructional coaches to monitor student learning on a continuous basis. Teachers use daily classroom data and common assessments to assist in determining the academic growth of each student. Students not meeting benchmark targets are identified for additional supports and services. Students exceeding growth targets are supported in the classroom through extension activities.

Academic Growth



High School

Students in grade 8 are introduced to the MN Career Information System. Students in grade 9 complete the Career Cluster Interest Inventory and create a MCIS Personal Learning Plan. Students in grade 10 complete the Career Interest Research Project and make revisions to their MCIS Personal Learning Plan. All students in grade 11 have the opportunity to take the ACT, ASVAB, PSAT assessments. Financial aid presentations and college sponsored tours are made available to students in grade 12.





Five Goals of World's Best Workforce

- ❖ All students meet school readiness goals
- ❖ All third grade students achieve grade level literacy
- ❖ Close the achievement gap for all students
- ❖ All students attain college and career readiness
- ❖ All students graduate from high school

2022-23 WBWF

Student outcomes

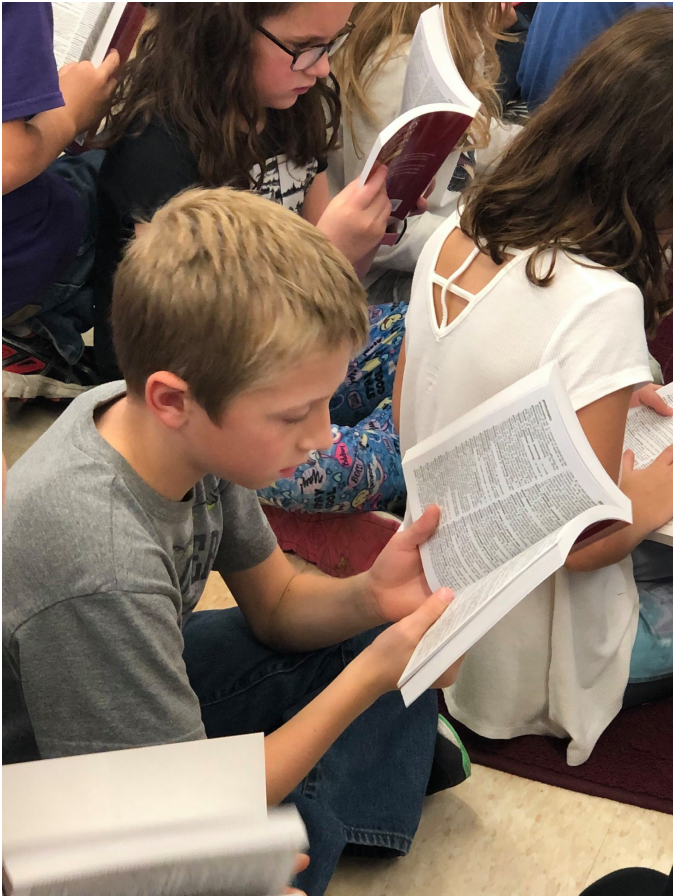
All Students Ready for School

Percentage of preschoolers meeting goals for social emotional development	85
Percentage of preschoolers meeting goals for approaches to learning	95
Percentage of preschoolers meeting goals for language and literacy	90
Percentage of preschoolers meeting goals for creativity and arts	85
Percentage of preschoolers meeting goals for cognitive development	90
Percentage of preschoolers meeting goals for physical/motor development	90

All Students in Third Grade Achieving Grade Level Literacy

Percentage of Barnesville 3rd Grade MCA Reading Proficiency scores - **69.1%**

Percentage of Statewide 3rd Grade MCA Reading Proficiency scores - **47.1%**



2022-23 WBWF

Student outcomes

Close Achievement Gap Between Free and Reduced and Non-Free and Reduced Student Groups



The proficiency among 3rd grade students were **37.5%** (free and reduced) and **69.1%** (all) on the spring 2023 Reading MCA assessment. **Difference of 31.6%**

The proficiency among 3rd grade students were **62.5%** (free and reduced) and **85.1%** (all) on the spring 2023 Math MCA assessment. **Difference of 22.6%**

The gap among 3rd grade students receiving F&R lunches and all students **increased 24.5%** between the spring 2022 Reading MCA and 2023 Reading MCA assessments.

The gap among 3rd grade students receiving F&R lunches and all students **increased 10.1 %** between the spring 2022 Math MCA and 2023 Math MCA assessments.

The proficiency among 6th grade students were **45.5%** (free and reduced) and **45.9%** (all) on the spring 2023 Reading MCA assessment. **Difference of 0.4%**

The proficiency among 6th grade students were **45.5%** (free and reduced) and **33.3%** (all) on the spring 2023 Math MCA assessment. **Difference of 12.2%**

The gap among 6th grade students receiving F&R lunches and all students **decreased 14.8%** between the spring 2022 Reading MCA and 2023 Reading MCA assessments.

2022-23 WBWF

Student outcomes

Close Achievement Gap Between Free and Reduced and Non-Free and Reduced Student Groups



The proficiency among high school students were **45.1%** (free and reduced) and **58.4%** (all) on the spring 2023 Reading MCA assessment. **Difference of 13.3%**

The proficiency among high school students were **42.9%** (free and reduced) and **58.0%** (all) on the spring 2023 Math MCA assessment. **Difference of 15.1%**

The gap among high school students receiving F&R lunches and all students **increased 1.8%** between the spring 2022 Reading MCA and 2023 Reading MCA assessments.

The gap among high school students receiving F&R lunches and all students **increased 3.1%** between the spring 2022 Math MCA and 2023 Math MCA assessments.

2022-23 WBWF

Student outcomes

All Students Career- and College-Ready by Graduation

8th graders were introduced to the MN Career Information Systems.

9th graders completed the Career Cluster Interest Survey & MCIS Personal Learning Plan.

10th graders completed the Career Interest Research Project and made revisions to the MCIS Personal Learning Plan.

11th graders were provided the opportunity to take the ACT, ASVAB and PSAT assessments.

12th graders received financial aid presentations and workplace and college sponsored tours.

All Students Graduate

93.5% of seniors graduated in 2023.



Kindergarten Readiness

The percentage of students screened at age three will increase from 80% in 2022-23 to 85% in 2023-24.

Achievement Gap Reduction

The achievement gap between students receiving F&R lunches compared to Non-F&R students will decrease by 5% as measured by the Reading and Math MCA.

Graduation

The percentage of students earning their high school diploma in four years will be 100%.



Literacy by Grade 3

The percentage of elementary students enrolled as of October 1 who meet or exceed their reading fluency as measured by Renaissance will increase from 83.6% in the spring of 2023 to 90% in the spring of 2024.

Career & College Readiness

In order to prepare all students for college and careers, the percentage of students meeting all four college readiness benchmarks as measured by ACT will increase from 26% for graduating Class of 2023 to 35% for graduating Class of 2024.

Initiatives and Accomplishments at Elementary School

What I Need (WIN)

Elementary teachers and Interventionalists use WIN teaching procedures to help all students succeed in the classroom- it is not just for children with special needs or learning disabilities.

Minnesota Comprehensive Assessments

Standardized math and reading scores continue to far exceed the state averages year-after-year.

1

2

3

4

5

Teacher-Child Interaction Training

All K-2 teachers and paraprofessionals have been trained in TCIT. The purpose is strengthening teacher-child relationship skills and increase teachers' confidence to manage challenging behaviors and to promote young children's social-emotional development.

Makerspace Lab

A collaborative work space in the elementary where students explore, make and learn together using high technology tools.

Commitment and Dedication

Teachers and support staff are always willing to go above and beyond to ensure student success.

Initiatives and Accomplishments at High School

Minnesota Comprehensive Assessments

Students in grades 7-11 continue to exceed the state averages on MCA assessments year-after-year.

Commitment and Dedication

Teachers and support staff are always willing to go above and beyond to ensure student success.

1

2

3

4

5

High School Graduation

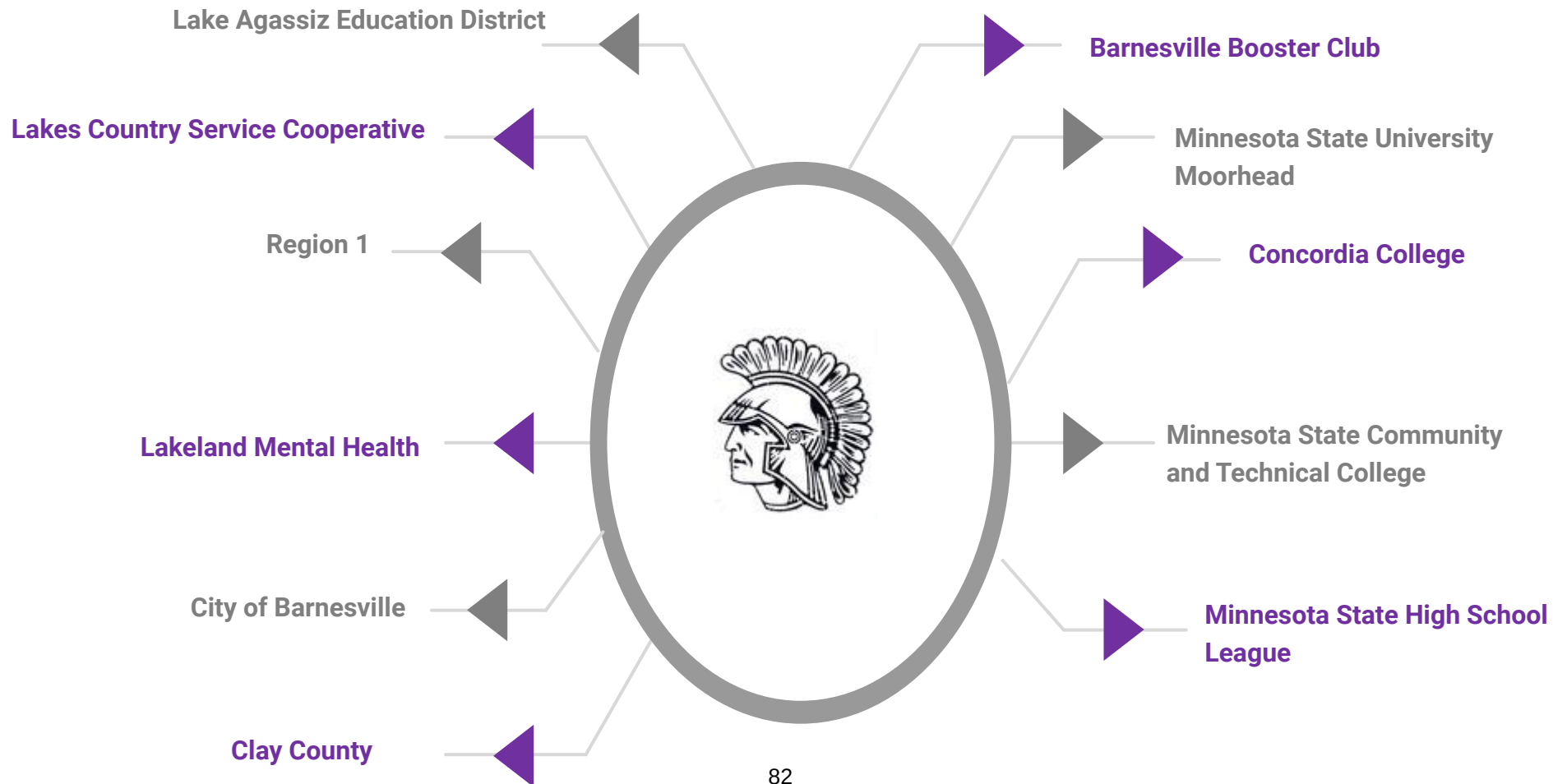
Greater than 90% of students earn a high school diploma in four (4) years.

College Credits

Sixty (60) students earned a combined 790 college credits during the school day.

District Partnerships

Teamwork toward a common goal



8. Recognition of Citizens for Input Purposes

Mr. Landsphere addressed the board with questions on books in our library.

9. Reports/News

A. High School Principal's Report

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Barnesville High School - Board Report November 20, 2023

Past Months Events

1. October Students of the Month - 7th grade -Camilla Esobar, 8th grade -Lucy Systma, 9th grade - Henry Peterson, 10th grade -Connor Klemin, 11th grade -Quin Rice, 12th grade -Evan Packer
2. Quarter 1 ended on November 6
3. November 10 hosted the Veteran's Day program at the high school
 1. Thank you to Mrs. Ellingson and the student council for all of their hard work
 2. Great job by all the speakers as well as the students that helped with the honor guard
4. Students (juniors) took the ASVAB test November 9
5. Congratulations to the cast and crew of the fall musical, "Big Fish"
 1. Alissa Nibbe and assistants put on a spectacular show
6. Today attended the Science of Reading Overview at LCSC

Future High School Events

7. November 22 school out at 1:00 p.m.
8. November 23-24 No school Thanksgiving break
9. November 28 - Choir Concert - PAC
10. November 30 - end of trimester 1
11. December 4 is the date for high school conferences 4:00-7:30 p.m.
12. December 4, Band concert @ 7:00 p.m. PAC
13. December 22 is last day of school before Christmas break early out at 1:00, school resumes on January 2nd

TODD HENRICKSON - ELEMENTARY PRINCIPAL

Board Report – November 20, 2023

- **Oct 13th – PTO Fundraiser**
 - New Fundraiser - Pick a date and donate. Each student received a calendar to sell the dates. For example if you pick the 10th, you would make a \$10 donation to PTO
 - Ended on Oct 31st - \$13,000 was raised
 - Thank you to Jen Pickett and the PTO, as well as all the individuals who donated to this fundraiser.
- **Oct 18th – Unity Day**
 - Signature event of National Bullying Prevention Month.
 - Students and staff wore orange as our pledge to end bullying.
 - School picture taken at 2:00pm – Thank you to Casey for taking the picture.



- **Oct 20th – Thank you to Coach Strand and the Football Team**
 - Spreading the wood chips and getting our playground ready for use.



- **Oct 23rd & 24th – Vision & Hearing Screening**
 - Thank you to: Trisha, Michelle F., Janet, Betsy, Ashley, Jess, Madelyn, Joanne, Chrissa, Lauryn, Susie & the MSUM Speech Pathology Students.
- **Oct 24th – Preschool & Picture Retakes**
- **Oct 27th – CPT Agenda (see attached)**
- **Nov 2nd - PBIS Team attended a training in Sartell**
 - Morning site visits to: Pleasant View Elementary, Mississippi Heights Elementary, and Sauk Rapids Rice High School
- **Nov 3rd – Flu & Covid shots were available for Staff members**
 - 20 – Flu shots / 7 – Covid Shots
- **Nov 3rd – Fire/Evacuation Drill**
 - Held a fire drill with Staff & Students evacuating to the PAC
- **Nov 6th – End of Quarter 1**
- **Nov 13th & 14th – Elementary Conference Nights (4:00pm – 7:30 pm)**
 - Attendance was excellent
- **Scholastic Book Fair: Nov 6th – Nov 14th**
 - Total Sales: \$13,082.65
 - The amount the Library will receive: \$6,030.01
 - Thank you to Mrs. Rasmussen for organizing this event.
 - Thank you to the following volunteers: Ashley Schilling, Jessica Haus, Lori Andvik, Mallory Rasmussen, and Mary Jean Braton.

Upcoming Events:

Nov	21	C	7:30am – Horace Mann Coffee Bar – Staff Workroom 11:00 – City/School Meeting – Conference Room
Nov	22	C	7:30/7:45 – TAT – Conference Room 11:30 – Bit Team – Conference Room 1:00pm - Early Dismissal (Refer to the Early Dismissal Schedule)
Nov	23	--	Happy Thanksgiving – No School
Nov	24	--	No School
Nov	27	A	Coin Drive Begins
Nov	28	B	7:30 – Wellness Meeting – HS Conference Room
Nov	29	C	Door Supervision Change
Nov	30	A	7:35 – Staff Development – HS Library
Dec	4	C	4:30 – HS Conferences
Dec	6	B	7:30 – Site Council - Library
Dec	7	C	7:35 – Staff Development – HS Library 9:00 – Western Division Principals Meeting – Ada Elementary
Dec	11	B	9:00 – Dress Rehearsal – Grades 5, 6, and Elementary Choir 7:00 – 5 th , 6 th , and Elementary Choir Program - PAC
Dec	12	C	7:00pm – PTO Meeting - Library
Dec	13	A	7:30 – PBIS Team – Library 11:30 – BIT Team – Conference Room

Friday, October 27, 2023

CPT

- 8:00 Teachers – Educlimber Training (Holly & Abby Masten)
- Cafeteria
 - Bring a Device
- 9:00 All Staff – De-escalation Training (Jamie & Susan)
- Cafeteria
 - *Paraprofessionals that attended this training over the summer do not need to attend.*

BOARD REPORT -- AARON SCHINDLER
ACTIVITIES DIRECTOR/COMMUNITY EDUCATION COORDINATOR
November 20, 2023

ACTIVITY INFORMATION:

- **Volleyball**
 - Heart O' Lakes- Finished 6th
 - #10 Seed in the Section
 - Congratulations to Coach Askegaard and her staff on an excellent season.
 - Congratulations to our All-Conference Players: Abby John and Amelia Newell
 - Honorable Mention: Lexi Hoeft and Kenadee Gray
 - November 12th – HOL All-Star Match @DGF
 - All-Conference Players participated
- **Football**
 - District – 1st Place Finish
 - #1 Seed in Section 8AA
 - Section 8AA Champions
 - Academic State Champions in AA with a team GPA of 3.43!
 - Coach Strand was named 2nd vice president of MFCA, next year he will be vice president and then take over as president of the MFCA!
 - AA State Championship Game: Barnesville (8AA) vs Eden-Valley-Watkins (5AA) at US Bank Stadium Friday, November 24th at 1:00 pm
- **October 23rd – Start Date - JH Girls Basketball**
- **November 13th – Start Date - Grades 9-12 Girls Basketball**
- **November 20th – Start Date**
 - Grades 7-12 Wrestling
 - Grades 9-12 Boys Basketball
- **JH Girls Basketball Numbers**
 - 7th = 11 / 8th = 10 **Total = 21**
- **Change of Pace**
 - 9th = 1 / 10th = 4 / 11th = 3 / 12th = 1 **Total = 9**
- **Jazz Band**
 - 9th = 2 / 10th = 4 / 11th = 6 / 12th = 7 **Total = 19**
- **Girls Basketball Numbers**
 - 9th = 7 / 10th = 5 / 11th = 7 / 12th = 3 **Total = 22**
- **Wrestling (preliminary)**
 - 7th = 6 / 8th = 8 / 9th = 5 / 10th = 5 / 11th = 0 / 12th = 4 **Total = 28**
- **Boys Basketball (preliminary)**
 - 8th = 2 / 9th = 7 / 10th = 11 / 11th = 8 / 12th = 7 **Total = 35**



Barnesville Public Schools Regular School Board Meeting

7:00 PM on Monday, November 20, 2023
High School Library

Superintendent's Monthly Board Report

1. School Social Worker Schedule

Please find below a link to the updated schedule for our elementary social worker. It gives you an idea how much time and support is available for our students in grades K-6.

Click [here](#)

2. Teacher pay has suffered a sharp decline compared with the pay of other college-educated workers

The Minnesota Rural Education Association (MREA) shared unfortunate information about the sharp decline in teacher pay compared to other college-educated workers.

As is well known, teacher pay has suffered a sharp decline compared with the pay of other college-educated workers. On average, teachers made 26.4% less than other similarly educated professionals in 2022—the lowest level since 1960.

A new report from the Economic Policy Institute explores the trends in teacher wages and compensation through 2022. Teacher pay is one of the top priorities for MREA's legislative efforts in 2024.

Click [here](#)

3. 2024 MSBA Legislative Platform calls for a 2 percent supplemental increase to funding formula

In its [2024 Legislative Platform](#), MSBA urges the Minnesota Legislature to provide additional funding for the state's public education system to ensure that each and every student, regardless of background, has the opportunity to engage in relevant and meaningful learning experiences that they will need in order to thrive in today's and tomorrow's world.

Highlights from the 2024 MSBA Legislative Platform include:

- Increase the basic education formula with a supplemental budget increase of 2 percent.
- Full funding for unemployment of non-licensed staff.
- Eliminate the cap for Long-Term Facilities Maintenance revenue.
- Increase equalization.
- Empower local decision making.

4. Absent for December School Board Meeting

I will be absent for the school board meeting in December. My wife and I are taking our children on a Caribbean cruise from December 15-24.

E. Board Committee Reports

10. Removal of Consent Items for Discussion

11. Approval of Consent Items

A. Personnel

All hirings are based upon the findings of each individual's background check, licensure status, and discipline report from the Minnesota Department of Education.

1) Erin Ellingson's Resignation as Driver's Education Instructor

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Erin A. Ellingson

27371 82nd Ave S.
Hawley, MN 56549
218.289.4560
eellingson@barnesville.k12.mn.us

November 8th, 2023

Dr. Jon Ellerbusch

Superintendent, Barnesville Public Schools
302 3rd St. S
Barnesville, MN 56514

Dr. Ellerbusch, School Board Members, and Aaron Schindler,

Please accept this as my formal resignation from my position of teaching
Driver's Education for Barnesville Public Schools.

I have enjoyed my time teaching Driver's Education over the past 5 plus years,
but have come to a time where my own children are very active in their school
events, and I feel I need to be there to support them.

Mr. Schindler and Chris Ellefson have been put in contact with an individual
who is willing to take over the teaching portion of Drivers Education.

Sincerely,



Erin Ellingson

- 2) Troy Olson as Driver's Education Instructor
- 3) Ger Xiong as Kids Club Adult Worker
- 4) Kathryn Nelson as Kids Club Adult Worker
- 5) Jacob Grosz as 7th Grade Boys Basketball Coach
- 6) Justin Haugen as 9th Grade Boys Basketball Coach
- 7) Leave Request from Chris Messer

B. Donations

- 1) Used Trombone Donation from Carrie Berndt for Music Department
- 2) \$1,000.00 Donation from Clay Wilkin Corn Growers for FFA Auxiliary
- 3) \$525.00 Donation from Minnesota State Cattlemen's Association for FFA Auxiliary
- 4) \$625.00 Donation from Barnesville Booster Club for Football Team District Champion T-shirts
- 5) \$9.62 Donation from The Blackbaud Giving Fund for Barnesville Elementary

12. New Business

- A. Early Learning Program Spring Carnival

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Early Learning Program Spring Carnival Fundraiser

We will be raising funds for midday busing as this is an essential part of half day preschool programming.

A carnival will be held Saturday, March 9th from approximately 3pm - 8pm.

We will ask for a free will donation to enter the carnival (It's my goal that cost won't hold anyone back from attending).

We will charge for tickets that can be used for a kind of silent auction. We hope to have items such as concert tickets, baskets from local businesses and families, and services.

There will also be a charge for food.

All games and activities will be FREE!

During the carnival I will host an open house in the preschool classrooms for prospective families.

Sarah Paur, ECFE Advisory Council Chairperson, and I will be heading this effort along with 10 other council members assisting in various ways.

Approved Ideas for Remaining Voter Approved Authority - November 20, 2023

	Qty	Price	Total
1 Surveying Services for Water Line to Storage Shed	1	\$1,350.00	\$1,350.00
2 Civil Engineering Services for New Storage Shed	1	\$4,700.00	\$4,700.00
3 Lighting Controls for Elementary Rooms E117 & E150	1	\$3,966.00	\$3,966.00
4 Elementary Classroom Speakers	11	\$83.25	\$915.75
5 Borders and ADA Ramps for Elementary Playgrounds	1	\$4,660.00	\$4,660.00
6 Change Order to Move Backhoes	1	\$700.00	\$700.00
			<u>\$16,291.75</u>

AIA® Document G736™ – 2009

Project Application and Project Certificate for Payment, Construction Manager as Adviser Edition

TO OWNER: I.S.D. #146 - Barnesville Public Schools	PROJECT: Add'n./Upgrade-Atkinson Add'n./Renovation-High School Barnesville, MN	APPLICATION NO: 39 - Proj. Completion	Distribution to:
		PERIOD TO: November 05, 2023	OWNER: ☐
ATTENTION: Dr. Jon Ellerbusch, Superintendent	VIA CONSTRUCTION MANAGER: R. A. Morton & Associates, LLC	PROJECT NOS: 1907 /	CONSTRUCTION MANAGER: ☐
			ARCHITECT: ☐
			☐

PROJECT APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Project. AIA Document G737™-2009, Summary of Contractors' Applications for Payment, is attached.

1. TOTAL CONTRACT SUMS (Item A Totals)	\$28,050,000.00
2. TOTAL NET CHANGES BY CHANGE ORDERS (Item B Totals)	\$972,787.60
3. TOTAL CONTRACT SUM TO DATE (Item C Totals)	\$29,022,787.60
4. TOTAL COMPLETED & STORED TO DATE (Item F Totals)	\$28,915,927.26
5. RETAINAGE (Item H Totals)	\$1,780.00
6. LESS PREVIOUS TOTAL PAYMENTS (Item I Totals)	\$28,835,114.47
7. CURRENT PAYMENT DUE (Item J Totals)	\$79,032.79

The undersigned Construction Manager certifies that to the best of its knowledge, information and belief this Project Application for Payment is an accurate compilation of the Contractors' Applications for Payment, attached hereto.

CONSTRUCTION MANAGER:

By: _____ Date: _____

State of: Minnesota

County of: Stearns

Subscribed and sworn to before me this _____ day of _____

Notary Public: Connie M. Leathers

My Commission expires: January 31, 2027

PROJECT CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on evaluation of the Work and the data comprising this Application, the Construction Manager certifies to the Owner that to the best of its knowledge, information and belief the Work has progressed as indicated; the quality of the Work is in accordance with the Contract Documents; and the Construction Manager recommends to the Owner and Architect that the Contractors be paid the AMOUNTS set forth in the attached Summary of Contractors' Applications for Payment.

TOTAL OF AMOUNTS CERTIFIED \$79,032.79

CONSTRUCTION MANAGER:

By: _____ Date: _____

In accordance with the Contract Documents, based on evaluation of the Work, the data comprising this Application, and the Construction Manager's recommendation, the Architect certifies to the Owner that to the best of its knowledge, information and belief the Work has progressed as indicated; the quality of the Work is in accordance with the Contract Documents; and the Contractors are entitled to payments of the AMOUNTS set forth in the attached Summary of Contractors' Applications for Payment.

ARCHITECT:

By: _____ Date: _____

I.S.D. #146 - Barnesville Public Schools

Project Application Summary

Application No. 39

Period From: 09/05/23

To: Project Completion

Construction Manager:

R. A. Morton & Associates, LLC

3315 Roosevelt Road, Suite 100

St. Cloud, MN 56301

Architect:

Wendel

401 Second Avenue North, Suite 206

Minneapolis, MN 55401

Page 2 of 8

	Contract Sum	Change Orders	Contract To Date	*	Work In Place	Materials Stored	Total Completed	Retainage Amount	Previous Payments	*	Current Payment	*	Balance to Finish	Percent Complete
General Conditions Allow.	415,205.00	(415,205.00)	0.00	*						*		*	0.00	100%
Phone/Technology	0.00	12,762.44	12,762.44	*	12,762.44		12,762.44		12,762.44	*		*		
Temp Office	0.00	18,970.34	18,970.34	*	18,970.34		18,970.34		18,970.34	*		*		
Temp Storage	0.00	3,100.00	3,100.00	*	3,100.00		3,100.00		3,100.00	*		*		
Temp Toilet	0.00	13,121.00	13,121.00	*	13,121.00		13,121.00		13,121.00	*		*		
Temp Electric	0.00	25,538.31	25,538.31	*	25,538.31		25,538.31		25,538.31	*		*		
Temp Heat/Environ Control	0.00	83,647.08	83,647.08	*	83,647.08		83,647.08		83,647.08	*		*		
Barricades/Temp Fencing	0.00	15,520.00	15,520.00	*	15,520.00		15,520.00		15,520.00	*		*		
Construction Staking	0.00	41,502.70	41,502.70	*	41,502.70		41,502.70		41,502.70	*		*		
Construction Testing	0.00	114,572.50	114,572.50	*	114,572.50		114,572.50		114,572.50	*		*		
Safety	0.00	133.03	133.03	*	133.03		133.03		133.03	*		*		
Misc Mat'l/Constr Supplies	0.00	1,820.52	1,820.52	*	1,820.52		1,820.52		1,820.52	*		*		
Construction Signage	0.00	1,916.00	1,916.00	*	1,916.00		1,916.00		1,916.00	*		*		
Hourly Workers	0.00	54,124.43	54,124.43	*	54,124.43		54,124.43		54,124.43	*		*		
Equipment Rental	0.00	6,891.80	6,891.80	*	6,891.80		6,891.80		6,891.80	*		*		
Snow Removal/Road Maintenance	0.00		0.00	*						*		*		
Dumpsters	0.00	56,703.72	56,703.72	*	56,703.72		56,703.72		56,703.72	*		*		
Clean Up	0.00	143,583.26	143,583.26	*	143,583.26		143,583.26		143,583.26	*		*		
Project Closeout	0.00		0.00	*						*		*		

I.S.D. #146 - Barnesville Public Schools	Contract Sum	Change Order	Contract To Date	Work In Place	Materials Stored	Total Completed	Retainage Amount	Previous Payments	Current Payment	Balance to Finish	Percent Complete
Job Overhead	0.00	2,406.36	2,406.36	2,406.36		2,406.36		2,355.57	50.79		
Sub-Total	\$415,205.00	\$181,108.49	\$596,313.49	\$596,313.49	\$0.00	\$596,313.49	\$0.00	\$596,262.70	\$50.79	\$0.00	100%
3A Combination Building and Site Concrete											
All Finish Concrete, Inc.	1,130,567.06	67,946.58	1,198,513.64	1,198,513.64		1,198,513.64		1,198,513.64		0.00	100%
3B Precast Concrete											
Taracon Precast, LLC	1,205,119.00	5,265.28	1,210,384.28	1,210,384.28		1,210,384.28		1,210,384.28		0.00	100%
PR #37 Concrete											
Innovative Builders	Contract Prepared Later - \$ Taken from Owner Cont. 0.00	87,817.77	87,817.77	87,818.16		87,818.16		87,818.16		(0.39)	100%
4A Masonry											
Eicholtz Masonry, Inc.	1,684,400.00	60,845.68	1,745,245.68	1,745,245.68		1,745,245.68		1,745,245.68		0.00	100%
4B Masonry Restoration											
Bradco Restoration, Inc.	* Contr. Prep. Later /\$ From Tuckpointing Allow. * 0.00	106,035.00	106,035.00	106,035.00		106,035.00		106,035.00		0.00	100%
5A Steel Supply (MO)											
Integrity Steel Supply, LLC	782,000.00	89,448.60	871,448.60	871,448.60		871,448.60		871,448.60		0.00	100%
5B Steel Erection (LO)											
Innovative Erectors, Inc.	348,900.00	335,158.64	684,058.64	684,058.64		684,058.64		684,058.64		0.00	100%
6A Carpentry											
Gast Construction Co., Inc.	429,500.00	151,639.93	581,139.93	581,139.93		581,139.93		581,139.93		0.00	100%
6B Architectural Woodwork											
Northern Woodwork, Inc.	141,537.00	42,674.72	184,211.72	184,211.72		184,211.72		184,211.72		0.00	100%
7A Weather Barriers											
Fresh Look Painting, LLC dba Herzog Coatings	35,600.00		35,600.00	35,600.00		35,600.00	1,780.00	33,820.00		0.00	100%
7B Roofing											
Pierce Lee Roofing, Inc.	1,336,166.00	21,315.63	1,357,481.63	1,357,481.63		1,357,481.63		1,289,607.63	67,874.00	0.00	100%
7C Joint Sealants											
WCS1, LLC	60,500.00	(2,075.00)	58,425.00	58,425.00		58,425.00		58,425.00		0.00	100%

I.S.D. #146 - Barnesville Public Schools	Contract Sum	Change Order	Contract To Date	*	Work In Place	Materials Stored	Total Completed	Retainage Amount	Previous Payments	*	Current Payment	*	Balance to Finish	Percent Complete
8A Doors, Frames, and Hardware (MO)				*						*		*		
Central Door & Hardware, Inc.	264,937.00	65,438.00	330,375.00	*	330,375.00		330,375.00		330,375.00	*		*	0.00	100%
8B Aluminum Doors and Windows				*						*		*		
Rusco Window Company, Inc.	338,689.00	22,465.00	361,154.00	*	361,154.00		361,154.00		361,154.00	*		*	0.00	100%
8C Sectional Doors	Contract Prepared Later - \$ Taken From Contingency *									*		*		
PS Garage Doors	15,000.00	37,049.00	52,049.00	*	52,049.00		52,049.00		52,049.00	*		*	0.00	100%
9A Gypsum System				*						*		*		
RTL Construction, Inc.	778,075.00	127,533.52	905,608.52	*	905,608.52		905,608.52		905,608.52	*		*	0.00	100%
9B Tilework				*						*		*		
McArthur Tile Corporation	130,000.00	48,390.00	178,390.00	*	178,390.00		178,390.00		178,390.00	*		*	0.00	100%
9C Acoustical Ceilings	* Contract Prepared Later - \$ Added to Contingency *									*		*		
Far-Moor Acoustics & Floors, LLC	365,000.00	69,907.00	434,907.00	*	434,907.00		434,907.00		434,907.00	*		*	0.00	100%
9D Wood Flooring				*						*		*		
H2I Group, Inc.	194,300.00		194,300.00	*	194,300.00		194,300.00		194,300.00	*		*	0.00	100%
9E Floor Covering				*						*		*		
Bachman, Inc. dba Floor to Ceiling Carpet One	326,398.00	80,407.04	406,805.04	*	406,805.04		406,805.04		406,805.04	*		*	0.00	100%
9F Painting				*						*		*		
Trall Painting Co.	184,500.00	37,663.50	222,163.50	*	222,163.50		222,163.50		211,055.50	*	11,108.00	*	0.00	100%
10A Lockers				*						*		*		
Olympus Lockers & Storage Products, Inc.	77,219.00	1,995.00	79,214.00	*	79,214.00		79,214.00		79,214.00	*		*	0.00	100%
11A Gymnasium Equipment				*						*		*		
H & B Specialized Products, Inc.	51,600.00		51,600.00	*	51,600.00		51,600.00		51,600.00	*		*	0.00	100%
11C Foodservice Equipment	Contract Prepared Later - \$ Taken from Owner Cont. *									*		*		
Trimark Hockenbergs	0.00	390,322.97	390,322.97	*	390,322.97		390,322.97		390,322.97	*		*	0.00	100%

I.S.D. #146 - Barnesville Public Schools	Contract Sum	Change Order	Contract To Date	*	Work In Place	Materials Stored	Total Completed	Retainage Amount	Previous Payments	*	Current Payment	*	Balance to Finish	Percent Complete
12A Furnishings H2I Group, Inc.	158,992.00	11,853.00	170,845.00	*	170,845.00		170,845.00		170,845.00	*		*	0.00	100%
12B Auditorium Seating H2I Group, Inc.	133,500.00		133,500.00	*	133,500.00		133,500.00		133,500.00	*		*	0.00	100%
12C Bleachers Seating & Athletic Facility Enterprises, LLC (SAAFE, LLC)	123,845.00		123,845.00	*	123,845.00		123,845.00		123,845.00	*		*	0.00	100%
14A Conveying Equipment Otis Elevator Company	155,000.00	980.00	155,980.00	*	155,980.00		155,980.00		155,980.00	*		*	0.00	100%
21A Fire Protection LVC Companies, Inc.	532,906.00	81,408.46	614,314.46	*	614,314.46		614,314.46		614,314.46	*		*	0.00	100%
22A Plumbing & HVAC Manning Mechanical, Inc.	4,634,000.00	1,318,290.31	5,952,290.31	*	5,952,290.31		5,952,290.31		5,952,290.31	*		*	0.00	100%
26A Electrical Communications, Electronic Safety, & Security Vinco, Inc.	1,607,800.00	525,408.32	2,133,208.32	*	2,133,208.32		2,133,208.32		2,133,208.32	*		*	0.00	100%
31A Earthwork and Site Utilities Landwehr Construction, Inc.	1,357,679.00	166,837.83	1,524,516.83	*	1,524,516.83		1,524,516.83		1,524,516.83	*		*	0.00	100%
PR #37 Earthwork and Site Utilities Ferguson Brothers Excavating, Inc.	Contract Prepared Later - \$ Taken from Owner Cont. 0.00	77,891.00	77,891.00	*	77,891.00		77,891.00		77,891.00	*		*	0.00	100%
32A Bituminous Paving FM Ashpahl, LLC	164,600.00	67,292.00	231,892.00	*	231,892.00		231,892.00		231,892.00	*		*	0.00	100%
32B Landscaping Allowance	25,000.00		25,000.00	*	12,846.39		12,846.39		12,846.39	*		*	12,153.61	51%
Tuckpointing Allowance	* \$ Trans. - 4B Masonry Restoration & 11B Equip. 331,614.00	(331,614.00)	0.00	*						*		*	0.00	100%

I.S.D. #146 - Barnesville Public Schools	Contract Sum	Change Order	Contract To Date	*	Work In Place	Materials Stored	Total Completed	Retainage Amount	Previous Payments	*	Current Payment	*	Balance to Finish	Percent Complete
Auditorium Sound Equip. Allowance	* \$ Trans. To 27A Comm. & 11B Equipment *			*						*		*	0.00	100%
	400,000.00	(400,000.00)	0.00	*						*		*		
27A Communications AVI Systems, Inc.	* \$ Trans. From Tuckpointing Allow. & 27A Allow. *			*						*		*	0.00	100%
	0.00	343,350.10	343,350.10	*	343,350.10		343,350.10		343,350.10	*		*		
11B Equipment Norcostco, Inc.	* \$ Trans. From Tuckpointing Allow. & 27A Allow. *			*						*		*	0.00	100%
	0.00	85,900.00	85,900.00	*	85,900.00		85,900.00		85,900.00	*		*		
Sub-Total	\$19,504,943.06	\$3,794,840.88	\$23,299,783.94	*	\$23,287,630.72	\$0.00	\$23,287,630.72	\$1,780.00	\$23,206,868.72	*	\$78,982.00	*	\$12,153.22	100%
CM Fees R. A. Morton & Associates, LLC	685,000.00	28,625.00	713,625.00	*	713,625.00		713,625.00		713,625.00	*		*	0.00	100%
CM Reimbursables R. A. Morton & Associates, LLC	88,000.00		88,000.00	*	88,000.00		88,000.00		88,000.00	*		*	0.00	100%
Architect Fees	1,886,326.00	(85,000.00)	1,801,326.00	*	1,782,221.24		1,782,221.24		1,782,221.24	*		*	19,104.76	99%
Architect Reimbursables		729.65	729.65	*	729.65		729.65		729.65	*		*	0.00	100%
Misc. Owner Expenses	273,625.98	(252,184.65)	21,441.33	*	21,441.33		21,441.33		21,441.33	*		*	(0.00)	100%
Permits, Plan Reviews	81,240.34	75,132.52	156,372.86	*	156,372.86		156,372.86		156,372.86	*		*	0.00	100%
Builders Risk	27,390.00	9,872.00	37,262.00	*	37,262.00		37,262.00		37,262.00	*		*	0.00	100%
Soil Testing	11,504.00	3,100.00	14,604.00	*	14,604.00		14,604.00		14,604.00	*		*	0.00	100%
Site Survey	15,125.00	3,635.00	18,760.00	*	18,760.00		18,760.00		18,760.00	*		*	0.00	100%
Commissioning	0.00	57,900.00	57,900.00	*	48,500.00		48,500.00		48,500.00	*		*	9,400.00	84%
Plan Printing & Bid Expenses	* Added to Project Cost *			*						*		*		
	6,040.13	782.89	6,823.02	*	6,823.02		6,823.02		6,823.02	*		*	0.00	100%
Owner Project Supplies	* Added to Contingency *			*						*		*	0.00	100%
	3,000.00	(45.34)	2,954.66	*	2,954.66		2,954.66		2,954.66	*		*		
Wrestling Room Relocation and Pads	* Added to Contingency *			*						*		*	0.00	100%
	60,000.00	(3,768.99)	56,231.01	*	56,231.01		56,231.01		56,231.01	*		*		

I.S.D. #146 - Barnesville Public Schools	Contract Sum	Change Order	Contract To Date	Work In Place	Materials Stored	Total Completed	Retainage Amount	Previous Payments	Current Payment	Balance to Finish	Percent Complete
Elementary School Parking Lot East	25,094.55	(19,882.05)	5,212.50	5,212.50		5,212.50		5,212.50		0.00	100%
Scoreboards	0.00	72,940.00	72,940.00	72,940.00		72,940.00		72,940.00		0.00	100%
Clock System	0.00	32,727.05	32,727.05	32,727.05		32,727.05		32,727.05		0.00	100%
		* Added to Contingency *									
Move City Electric Line	151,602.00	(9,771.00)	141,831.00	141,831.00		141,831.00		141,831.00		0.00	100%
		* Added to Contingency *									
Move City Gas Mains	75,000.00	(43,673.00)	31,327.00	31,327.00		31,327.00		31,327.00		0.00	100%
		* Taken from Owner Contingency *									
Asbestos Abatement	174,876.00	63,019.00	237,895.00	237,895.00		237,895.00		237,895.00		0.00	100%
		* Taken from Owner Contingency *									
Summer 2021 Elem. Abate.	0.00	46,797.16	46,797.16	46,797.16		46,797.16		46,797.16		0.00	100%
		* Taken from Owner Contingency *									
Abatement Required Elec.	27,177.00	1,857.00	28,974.00	28,974.00		28,974.00		28,974.00		0.00	100%
Abatement - House Demo	2,750.00		2,750.00	2,750.00		2,750.00		2,750.00		0.00	100%
		* Added to Contingency *									
House Demo	21,125.00	(4,725.00)	16,400.00	16,400.00		16,400.00		16,400.00		0.00	100%
		Taken from Owner Contingency/Constr. Contingency *									
Relocate Owner Equip.	0.00	3,925.17	3,925.17	3,925.17		3,925.17		3,925.17		0.00	100%
Elementary Classroom Cabinets	* \$ Taken From Construction Contingency *										
	0.00	41,547.64	41,547.64	41,547.64		41,547.64		41,547.64		0.00	100%
Elementary Remodel Carpet	* \$ Taken From Construction Contingency *										
	0.00	81,136.45	81,136.45	81,136.45		81,136.45		81,136.45		0.00	100%
		* \$ Taken From Constr./Added to Project Cost *									
Window Treatments	0.00	24,100.00	24,100.00	24,100.00		24,100.00		24,100.00		0.00	100%
		* \$ Taken From Construction Contingency *									
Epoxy Floor - Locker Rooms	0.00	10,500.00	10,500.00	10,500.00		10,500.00		10,500.00		0.00	100%
		* \$ Taken From Construction Contingency *									
Epoxy Floor - Ind. Tech Shop	0.00	21,750.00	21,750.00	21,750.00		21,750.00		21,750.00		0.00	100%
Concrete Pour Behind Boiler Room	* Line Added - \$ Added to Project Cost *										
	0.00	2,330.00	2,330.00	2,330.00		2,330.00		2,330.00		0.00	100%
		* \$ Taken From Construction Contingency *									
FF&E	472,153.00	116,135.60	588,288.60	588,288.60		588,288.60		588,288.60		0.00	100%
Additional Elementary FF&E	0.00	66,202.36	66,202.36							66,202.36	0%
Fitness Equipment	152,658.00	7,626.30	160,284.30	160,284.30		160,284.30		160,284.30		0.00	100%

I.S.D. #146 - Barnesville Public Schools	Contract Sum	Change Order	Contract To Date	*	Work In Place	Materials Stored	Total Completed	Retainage Amount	Previous Payments	*	Current Payment	*	Balance to Finish	Percent Complete	
	* \$ Taken From Constr. Cont./Added to Proj. Cost *														
Technology	300,000.00	40,430.56	340,430.56	*	340,430.56		340,430.56		340,430.56	*		*	0.00	100%	
	* Transferred to Owner Contingency *														
Legal & Fiscal	406,648.00	(213,336.15)	193,311.85	*	193,311.85		193,311.85		193,311.85	*		*	0.00	100%	
Added to project	\$267,071.93 was added to Contingency - Increased Project Budget													0.00	#DIV/0!
Additional LTFM Funds	* \$122,684.09 Elementary Class Room & Carpets*												*		*
Food Service Funds	* \$69,387.84 Portion of Trimark Contract*												*		*
Secured Front Entrance	* \$75,000.00 Secured Entry Grant*												*		*
Contingency	3,183,576.94	(3,183,576.94)	0.00	*	Starting Contingency includes Construction Contingency, Owner Contingency and Initial Interest Earnings							*	0.00	100%	
Interest Earnings	\$603,209.00 was added to Contingency - Increased Project Budget (Started at \$400,031 - added \$255,000 then adjusted to final projection by reducing by \$51,822)													0.00	#DIV/0!
Sub-Total	\$8,129,851.94	(\$3,003,161.77)	\$5,126,690.17	*	\$5,031,983.05	\$0.00	\$5,031,983.05	\$0.00	\$5,031,983.05	*	\$0.00	*	\$94,707.12	98%	
Construction Total	\$28,050,000.00	\$972,787.60	\$29,022,787.60	*	\$28,915,927.26	\$0.00	\$28,915,927.26	\$1,780.00	\$28,835,114.47	*	\$79,032.79	*	\$106,860.34	100%	

I.S.D. #146 - Barnesville Public Schools

Listing of Checks to be Prepared

Draw #39

Please Do NOT Combine Checks for the Same Contractor.

R. A. Morton & Associates, LLC	\$	50.79
Pierce Lee Roofing, LLC	\$	67,874.00
Traill Painting Co.	\$	11,108.00
Draw Total	\$	<u>79,032.79</u>

**PLEASE SEND ALL CHECKS TO R. A. MORTON & ASSOCIATES, LLC.
WE WILL ATTACH LIEN WAIVERS AND DISBURSE TO THE INDIVIDUAL
CONTRACTORS.**

**PLEASE NOTE, IT IS THE OWNER'S RESPONSIBILITY TO PROCESS
REQUIRED 1099 INFORMATION AT YEAR END FOR PAYMENTS
MADE BY THEM.**

THANK YOU!

R. A. Morton & Associates, LLC
3315 Roosevelt Road, Suite 100
St. Cloud, MN 56301

I.S.D. #146 - Barnesville Public Schools

Owner Contingency Fund Balance

Reconciliation
11/05/23

Beginning Balance of Contingency Fund	\$1,933,608.00
Change Orders Processed On Draw #1	<u>0.00</u>
Contingency Balance Shown on Draw #1	1,933,608.00
Change Orders Processed On Draw #2	<u>0.00</u>
Contingency Balance Shown on Draw #2	1,933,608.00
Change Orders Processed On Draw #3	<u>0.00</u>
Contingency Balance Shown on Draw #3	1,933,608.00
Change Orders Processed On Draw #4	<u>0.00</u>
Contingency Balance Shown on Draw #4	1,933,608.00
Change Orders Processed On Draw #5	<u>0.00</u>
Contingency Balance Shown on Draw #5	1,933,608.00
Change Orders Processed On Draw #6	0.00
Additional Asbestos Abatement \$ Required	(18,320.00)
Additional Abatement Required Electrical Allowance \$ Required	<u>(1,857.00)</u>
Contingency Balance Shown on Draw #6	1,913,431.00
Change Orders Processed On Draw #7	<u>0.00</u>
Contingency Balance Shown on Draw #7	1,913,431.00
Change Orders Processed On Draw #8	<u>0.00</u>
Contingency Balance Shown on Draw #8	1,913,431.00
Change Orders Processed On Draw #9	<u>0.00</u>
Contingency Balance Shown on Draw #9	1,913,431.00
Change Orders Processed On Draw #10	<u>0.00</u>
Contingency Balance Shown on Draw #10	1,913,431.00
Change Orders Processed On Draw #11	0.00
11C Food Service Equipment Section Added to the Draw	<u>(385,810.00)</u>

Contingency Balance Shown on Draw #11	1,527,621.00
Change Orders Processed On Draw #12	0.00
PR #37 Concrete Contract Added to Draw	(100,067.77)
PR #37 Earthwork Contract Added to Draw	(77,891.00)
Line Added for Summer 2021 Elementary School Abatement	(38,232.00)
Line Added to Draw for Relocating Owner Equipment	(500.00)
Contingency Balance Shown on Draw #12	1,310,930.23
Change Orders Processed On Draw #13	(2,046,059.23)
General Conditions Allowance \$ Added to Owner Contingency	85,000.00
Anticipated Additional Interest Earnings	255,000.00
Legal & Fiscal Allowance \$ Added to Contingency	215,727.15
Construction Contingency \$ Transferred to Owner Contingency	186,000.00
Contingency Balance Shown on Draw #13	6,598.15
Change Orders Processed On Draw #14	(6,560.00)
Contingency Balance Shown on Draw #14	38.15
Change Orders Processed On Draw #15	0.00
Contingency Balance Shown on Draw #15	38.15
Change Orders Processed On Draw #16	0.00
Contingency Balance Shown on Draw #16	38.15
Change Orders Processed On Draw #17	0.00
Contingency Balance Shown on Draw #17	38.15
Change Orders Processed On Draw #18	0.00
Contingency Balance Shown on Draw #18	38.15
Change Orders Processed On Draw #19	0.00
Contingency Balance Shown on Draw #19	38.15
Change Orders Processed On Draw #20	0.00
Contingency Balance Shown on Draw #20	38.15
Change Orders Processed On Draw #21	0.00
Contingency Balance Shown on Draw #21	38.15
Change Orders Processed On Draw #22	0.00
Contingency Balance Shown on Draw #22	38.15
Change Orders Processed On Draw #23	0.00
Contingency Balance Shown on Draw #23	38.15

Change Orders Processed On Draw #24	<u>0.00</u>
Contingency Balance Shown on Draw #24	38.15
Change Orders Processed On Draw #25	<u>0.00</u>
Contingency Balance Shown on Draw #25	38.15
Change Orders Processed On Draw #26 Included in Construction Contingency	<u>0.00</u> (38.15)
Contingency Balance Shown on Draw #26	(0.00)
Change Orders Processed On Draw #27	<u>0.00</u>
Contingency Balance Shown on Draw #27	(0.00)
Change Orders Processed On Draw #28	<u>0.00</u>
Contingency Balance Shown on Draw #28	(0.00)
Change Orders Processed On Draw #29	<u>0.00</u>
Contingency Balance Shown on Draw #29	(0.00)
Change Orders Processed On Draw #30	<u>0.00</u>
Contingency Balance Shown on Draw #30	(0.00)
Change Orders Processed On Draw #31	<u>0.00</u>
Contingency Balance Shown on Draw #31	(0.00)
Change Orders Processed On Draw #32	<u>0.00</u>
Contingency Balance Shown on Draw #32	(0.00)
Change Orders Processed On Draw #33	<u>0.00</u>
Contingency Balance Shown on Draw #33	(0.00)
Change Orders Processed On Draw #34	<u>0.00</u>
Contingency Balance Shown on Draw #34	(0.00)
Change Orders Processed On Draw #35	<u>0.00</u>
Contingency Balance Shown on Draw #35	(0.00)
Change Orders Processed On Draw #36	<u>0.00</u>
Contingency Balance Shown on Draw #36	(0.00)
Change Orders Processed On Draw #37	<u>0.00</u>
Contingency Balance Shown on Draw #37	(0.00)

Change Orders Processed On Draw #38	<u>0.00</u>
Contingency Balance Shown on Draw #38	(0.00)
Change Orders Processed On Draw #39	<u>0.00</u>
Contingency Balance Shown on Draw #39	(0.00)
Change Orders in Process	<u>0.00</u>
Contingency Fund Balance as of 11/05/23	<u><u>(\$0.00)</u></u>

I.S.D. #146 - Barnesville Public Schools

Contingency Fund Balance

Reconciliation
11/05/23

Beginning Balance of Contingency Fund	\$1,649,999.94
Change Orders Processed On Draw #1	<u>0.00</u>
Contingency Balance Shown on Draw #1	1,649,999.94
Change Orders Processed On Draw #2	<u>0.00</u>
Contingency Balance Shown on Draw #2	1,649,999.94
Change Orders Processed On Draw #3	<u>0.00</u>
Contingency Balance Shown on Draw #3	1,649,999.94
Change Orders Processed On Draw #4	<u>(197,944.10)</u>
Contingency Balance Shown on Draw #4	1,452,055.84
Change Orders Processed On Draw #5	(150,770.42)
Change Order #1907-10-3 Processed on Draw #3 Applies to " Elementary School Parking Lot East"	<u>19,720.65</u>
Contingency Balance Shown on Draw #5	1,321,006.07
Change Orders Processed On Draw #6	<u>(98,230.76)</u>
Contingency Balance Shown on Draw #6	1,222,775.31
Change Orders Processed On Draw #7	(25,953.82)
9C Acoustical Ceilings Contract Prepared Later Came In Under Budget	<u>67,100.00</u>
Contingency Balance Shown on Draw #7	1,263,921.49
Change Orders Processed On Draw #8	<u>(145,896.32)</u>
Contingency Balance Shown on Draw #8	1,118,025.17
Change Orders Processed On Draw #9	<u>978.00</u>
Contingency Balance Shown on Draw #9	1,119,003.17
Change Orders Processed On Draw #10	<u>(32,900.70)</u>
Contingency Balance Shown on Draw #10	1,086,102.47
Change Orders Processed On Draw #11	<u>(29,369.00)</u>
Contingency Balance Shown on Draw #11	1,056,733.47
Change Orders Processed On Draw #12	(272.20)
8C Sectional Overhead Doors Contract Prepared Later - Exceeded Budget	<u>(37,049.00)</u>

Contingency Balance Shown on Draw #12	1,019,412.27
Change Orders Processed On Draw #13	(2,066,678.84)
Change Orders Processed on Draw #13 Affecting Owner Contingency Instead of Construction Contingency	2,046,059.23
Additional CM Fees - Construction of Shop and Reconstruction of Space for New Kitchen	(30,000.00)
Construction Contingency Transferred to Owner Contingency	<u>(186,000.00)</u>
Contingency Balance Shown on Draw #13	782,792.66
Change Orders Processed On Draw #14	(17,900.49)
Change Orders Processed on Draw #14 Affecting Owner Contingency Instead of Construction Contingency	<u>6,560.00</u>
Contingency Balance Shown on Draw #14	771,452.17
Change Orders Processed On Draw #15	(50,309.05)
Additional \$ to Relocate Owner Equipment	<u>(1,873.00)</u>
Contingency Balance Shown on Draw #15	719,270.12
Change Orders Processed On Draw #16	<u>(55,575.08)</u>
Contingency Balance Shown on Draw #16	663,695.04
Change Orders Processed On Draw #17	<u>(37,852.69)</u>
Contingency Balance Shown on Draw #17	625,842.35
Change Orders Processed On Draw #18	(146,772.07)
General Conditions Use of Contingency	(26,794.45)
Transferred Unused Tuckpointing Allowance \$ to Contingency	217,394.00
Additional Miscellaneous Owner Expenses \$ Required	(3,636.83)
Additional Commissioning \$ Required	(9,400.00)
Transferred Unused "Elementary School Parking Lot East" Allowance to Contingency	161.40
Transferred Unused "Move City Electric Line" Allowance to Contingency	9,771.00
Transferred Unused "Move City Gas Mains" Allowance to Contingency	43,673.00
Transferred Unused "House Demo" Allowance to Contingency	4,725.00
Line Added for Elementary Classroom Cabinets	(41,547.64)
Line Added for Elementary Remodel Carpet	<u>(81,136.45)</u>
Contingency Balance Shown on Draw #18	592,279.31
Change Orders Processed On Draw #19	(70,675.43)
Additional General Conditions Allowance \$ Required	(3,911.10)
Additional Asbestos Abatement \$ Required	(32,264.00)
Additional "Relocate Owner Equipment" \$ Required	(1,552.17)
Additional Technology \$ Required	<u>(8,241.80)</u>
Contingency Balance Shown on Draw #19	475,634.81
Change Orders Processed On Draw #20	(60,041.02)
Additional General Conditions Allowance \$ Required	(21,838.18)
Additional Builders Risk \$ Required	(4,209.00)
Additional Technology \$ Required	(10,092.96)
Additional Legal & Fiscal \$ Required	<u>(2,250.00)</u>
Contingency Balance Shown on Draw #20	377,203.65
Change Orders Processed On Draw #21	(11,028.00)
Additional General Conditions Allowance \$ Required	<u>(31,078.43)</u>
Contingency Balance Shown on Draw #21	335,097.22

Change Orders Processed On Draw #22	(25,223.18)
Additional General Conditions Allowance \$ Required	(18,547.69)
Additional Builders Risk \$ Required	(3,800.00)
Line Added for Window Treatments	(22,800.00)
Additional FFE \$ Required	(58,262.26)
Additional Fitness Equipment \$ Required	(791.30)
Additional Technology \$ Required	(3,974.91)
Contingency Balance Shown on Draw #22	201,697.88
Change Orders Processed On Draw #23	(27,097.80)
Additional General Conditions Allowance \$ Required	(36,450.00)
Additional Scoreboards \$ Required	(2,645.00)
Additional Technology \$ Required	(2,824.00)
Contingency Balance Shown on Draw #23	132,681.08
Change Orders Processed On Draw #24	(53,324.38)
Additional General Conditions Allowance \$ Required	(10,824.99)
Builders Risk Credit Added Back to Contingency	212.00
Line Added for Epoxy Floors - Locker Rooms	(10,500.00)
Contingency Balance Shown on Draw #24	58,243.71
Change Orders Processed On Draw #25	(48,105.66)
Additional General Conditions Allowance \$ Required	(13,236.18)
Additional Builders Risk \$ Required	(2,179.00)
Additional FFE \$ Required	(46,481.91)
Additional LTFM Funds Allocated to Project for Elementary Classroom Cabinets & Carpet	122,684.09
Food Service Funds Allocated to Project for Portion of Trimark Contract	69,387.84
Secured Front Entry Funds Allocated to Project	75,000.00
Adjustment for Difference Between Estimated Additional Interest and Actual	(51,822.00)
Contingency Balance Shown on Draw #25	163,490.89
Change Orders Processed On Draw #26	(1,524.91)
Additional General Conditions Allowance \$ Required	(567.00)
Balance of Owner Contingency	38.15
Contingency Balance Shown on Draw #26	161,437.13
Change Orders Processed On Draw #27	(47,758.30)
Additional General Conditions Allowance \$ Required	(1,379.15)
Additional Window Treatments \$ Required	(810.00)
Additional FFE \$ Required	(11,391.43)
Contingency Balance Shown on Draw #27	100,098.25
Change Orders Processed On Draw #28	(8,816.68)
Additional General Conditions Allowance \$ Required	(2,485.00)
Contingency Balance Shown on Draw #28	88,796.57
Change Orders Processed On Draw #29	(55,294.89)
Additional General Conditions Allowance \$ Required	(350.00)
Builders Risk Refund Added Back to Contingency	212.00
Line Added for Epoxy Floors - Ind. Tech Shop	(21,750.00)
Contingency Balance Shown on Draw #29	11,613.68

Change Orders Processed On Draw #30	(2,809.54)
Additional Technology \$ Required	<u>(1,281.00)</u>
Contingency Balance Shown on Draw #30	7,523.14
Change Orders Processed On Draw #31	(20,229.00)
Additional General Conditions Allowance \$ Required	(2,803.72)
Construction Management Fees Not Billed	1,375.00
Balance of Plan Printing & Bid Expenses Added to Contingency	303.29
Balance of Owner Project Supplies Added to Contingency	45.34
Balance of Wrestling Room Relocation and Pads Added to Contingency	3,768.99
Balance of Clock System Added to Contingency	453.10
Additional Technology \$ Required	(1,947.00)
Line Added for Concrete Pour Behind Boiler Room	<u>(2,330.00)</u>
Additional Project Cost Shown on Draw #31	(13,840.86)
Change Orders Processed On Draw #32	6,916.00
Additional Technology \$ Required	<u>(7,076.88)</u>
Additional Project Cost Shown on Draw #32	(14,001.74)
Change Orders Processed On Draw #33	734.72
Additional Technology \$ Required	<u>(2,895.02)</u>
Additional Project Cost Shown on Draw #33	(16,162.04)
Change Orders Processed On Draw #34	(10,072.50)
Additional General Conditions Allowance \$ Required	(240.02)
Additional Plan Printing and Bid Expenses \$ Required	(1,086.18)
Additional Window Treatment \$ Required	(490.00)
Additional Fitness Equipment \$ Required	(6,835.00)
Additional Technology \$ Required	<u>(2,096.99)</u>
Additional Project Cost Shown on Draw #34	(36,982.73)
Change Orders Processed On Draw #35	<u>0.00</u>
Additional Project Cost Shown on Draw #35	(36,982.73)
Change Orders Processed On Draw #36	4,810.00
Additional General Conditions Allowance \$ Required	<u>(6,325.00)</u>
Additional Project Cost Shown on Draw #36	(38,497.73)
Change Orders Processed On Draw #37	<u>6,471.00</u>
Additional Project Cost Shown on Draw #37	(32,026.73)
Change Orders Processed On Draw #38	0.00
Additional General Conditions Allowance \$ Required	<u>(4,226.79)</u>
Additional Project Cost Shown on Draw #38	(36,253.52)
Change Orders Processed On Draw #39	0.00
Additional General Conditions Allowance \$ Required	<u>(50.79)</u>
Additional Project Cost as of 11/05/23	<u><u>(36,304.31)</u></u>

I.S.D. #146 - Barnesville Public Schools**Change Order Status Report
11/05/23**Change Orders Approved at Draw #1

Sub-Total	0.00

Change Orders Approved at Draw #2

Sub-Total	0.00

Change Orders Approved at Draw #3

Sub-Total	0.00

Change Orders Approved at Draw #4

2-1	All Finish Concrete, Inc.	PR #1 Civil House Demolition: \$3,250.19	PR #2 BP-1	7,509.41
3-1	Integrity Steel Supply, LLC	Plan Review Revisions: \$4,259.23.		
4-1	Innovative Erectors, Inc.	PR #2 BP-1 Plan Review Revisions: \$788.00	PR #3	14,076.00
5-1	Pierce Lee Roofing, LLC	Structural Revisions: \$13,288.00.		
6-1	Landwehr Construction, Inc.	PR #3 Structural Revisions.		6,888.20
		PR #9 Art Room Canopy Demo.		1,380.00
		PR# 1 Civil House Demolition \$21,534.90; PR #2 BP-1		35,537.40
		Plan Review Revisions \$995.00; PR #7 Site Utilities		
		\$426.00; PR #9 Art Room Canopy Demo \$12,581.50.		
7-1	FM Asphalt, LLC	PR #1 Civil House Demolition.		3,586.00
8-1	Eicholtz Masonry, Inc.	PR #2 BP-1 Plan Review Revisions.		8,863.00
9-2	Landwehr Construction, Inc.	FCO #01 - Unforeseen conditions. Excavate and remove from site four buried foundations. Import, place, and compact 144 yards of granular fill at removal locations that was below required soil correction elevation. Cap off/abandon existing utility services to the four locations.		8,603.20
* 10-3	Landwehr Construction, Inc.	FCO #02 - Project enhancement to provide temporary parking lot for the 2020 - 2021 school year and long-term parking for sporting events. Excavate and export 6" of top soil and import, place, and compact 6" of reclaimed asphalt millings.		19,720.65
11-4	Landwehr Construction, Inc.	FCO #03 - Unforeseen conditions, existing abandoned well at new high school pond. Excavate and remove approximately 9' of existig well casing and cover remaining casing with concrete to 3' depth below bottom of pond elevation.		856.00
12-5	Landwehr Construction, Inc.	FCO #04 - Unforeseen conditions. Existing 5th Street contained poor quality soils that could not be reused as utility trench fill per project specifications. Export 300 yards of black organic materials and replace with granular fill at the two water main wet tap locations on 5th Street.		9,240.00
13-2	Eicholtz Masonry, Inc.	PR #8 - 170 Commons Expansion. Deduct 20' x 3'4" precast. Add burnished 20' x 3'4".		(744.00)

14-2	Integrity Steel Supply, LLC	PR #8 - 170 Commons Expansion. Added steel, joist, and deck.	20,040.00
15-2	Innovative Erectors, Inc.	PR #8 - 170 Commons Expansion. Added steel, joist, and deck.	7,582.58
16-1	Gast Construction Company, Inc.	PR #8 - 170 Commons Expansion. Added blocking.	478.00
17-1	Northern Woodwork, Inc.	PR #8 - 170 Commons Expansion. Added windowsill.	698.00
18-2	Pierce Lee Roofing, LLC	PR #8 - 170 Commons Expansion. Added roofing and metal wall panels.	12,172.56
19-1	Rusco Windows Company, Inc.	PR #8 - 170 Commons Expansion. Added (1) window type HS19.	900.00
20-1	RTL Construction, Inc.	PR #8 - 170 Commons Expansion. Added exterior framing.	7,935.10
21-1	Bachman, Inc. dba Floor to Ceiling	PR #8 - 170 Commons Expansion.	3,998.00
23-1	LVC Companies, Inc.	PR #8 - 170 Commons Expansion.	2,530.75
24-1	Manning Mechanical, Inc.	PR #8 - 170 Commons Expansion.	9,642.00
25-1	Vinco, Inc.	PR #8 - 170 Commons Expansion.	16,451.25
Sub-Total			197,944.10

Change Orders Approved at Draw #5

22-1	Trall Painting Co.	PR #8 - 170 Commons Expansion.	350.00
27-7	Landwehr Construction, Inc.	FCO #10 - Export 240 yards of black organic materials and replace with granular fill at location where storm piping from manhole 12 crosses 5th Street to enter STMH 16 and 100 yards at location where storm piping from STMH 22 crosses 5th Street to exit at the flared end section at the east side of the high school pond.	10,472.00
28-3	Eicholtz Masonry, Inc.	PR #5 - BP2 Plan Review Revisions.	1,335.00
29-2	Gast Construction Company, Inc.	PR #5 - BP2 Plan Review Revisions. Add (4) doors.	770.00
31-3	Pierce Lee Roofing, LLC	PR #5 - BP2 Plan Review Revisions.	445.20
32-1	Central Door & Hardware, Inc.	PR #5 - BP2 Plan Review Revisions. Add (4) doors and hardware.	3,734.00
33-2	Manning Mechanical, Inc.	PR #5 - BP2 Plan Review Revisions.	21,044.37
34-2	Vinco, Inc.	PR #5 - BP2 Plan Review Revisions.	8,375.00
35-3	Manning Mechanical, Inc.	PR #6 - Plumbig Review Revisions.	66,688.21
36-2	FM Asphalt, LLC	PR #11 - Elementary site pavement.	12,144.00
37-8	Landwehr Construction, Inc.	PR #11 - Elementary site pavement.	13,910.76
38-2	All Finish Concrete, Inc.	PR #11 - Elementary site pavement.	11,501.88
Sub-Total			150,770.42

Change Orders Approved at Draw #6

1-1	H2I Group, Inc.	PR #4 Fume Hood - Cost includes all applicable taxes, freight, and installation.	11,853.00
26-6	Landwehr Construction, Inc.	PR #8 - 170 Commons Expansion.	110.77
30-2	Northern Woodwork, Inc.	PR #5 - BP2 Plan Review Revisions. Add butcher block bench; Omit 2 sink cabinets; Add 2 aprons; Add ledger.	141.00
39-2	Bachman, Inc. dba Floor to Ceiling	PR #12R - Area B Science changes. Credit for carpet tile change.	(587.00)
40-3	All Finish Concrete, Inc.	PR #12R - Area B Science changes. Floor infills.	3,090.31
41-4	Manning Mechanical, Inc.	PR #12R - Area B Science changes. \$6,258.73. PR #13 Locker Room changes. (\$2,252.32).	4,006.41
42-4	Eicholtz Masonry, Inc.	PR #13 - Locker Room changes.	200.00
43-3	Gast Construction Company, Inc.	PR #13 - Locker Room changes. Delete toilet and bath accessories in rooms 176 and 177.	(398.07)
44-3	Vinco, Inc.	PR #12R - Area B Science changes. (\$4,763.79).	(4,777.92)
		PR #14 - Biology 123 electrical. (\$14.13).	
45-5	Manning Mechanical, Inc.	PR #15 - H2O Area B Glycol Loop.	59,766.00

46-4	Vinco, Inc.	PR #15 - HS Area B Glycol Loop.	3,831.84
47-9	Landwehr Construction, Inc.	PR #08 - 170 Commons Expansion - Add for confusion on price request form.	4,312.00
48-5	Eicholtz Masonry, Inc.	PR #16 ES Conference Room Storefront.	1,487.00
49-2	Rusco Windows Company, Inc.	PR #16 ES Conference Room Storefront.	(1,200.00)
51-2	RTL Construction, Inc.	PR #17 - ES Top off existing classroom partition. Wall infill.	16,395.42
Sub-Total			98,230.76

Change Orders Approved at Draw #7

50-2	Traill Painting Co.	PR #16 ES Conference Room Storefront.	100.00
52-1	Olympus Lockers & Storage Products,	PR #18 - Locker Room Bench Detail. Add bench brackets.	1,995.00
53-3	RTL Construction, Inc.	PR #18 - Locker Room Bench Detail. Add framing and insulation for benches in lieu of concrete.	1,871.07
54-4	All Finish Concrete, Inc.	PR #18 - Locker Room Bench Detail. Delete concrete benches.	(3,852.25)
55-6	Manning Mechanical, Inc.	FCO #05 - Cap acid waste pipe below floor and at roof. Remove existing rain leader piping, offset new piping tight to cmu wall and reconnect in tunnel below floor.	1,849.00
56-7	Manning Mechanical, Inc.	FCO #06 - Remove existing sanitary sewer drain piping and correct grade, correctly install fittings and add additional hangers to meet plumbing code requirements.	5,778.00
57-8	Manning Mechanical, Inc.	FCO #07 - Cap pipes from existing CUH's in tunnel, remove acid waste vent pipe from roof to below grade, cut off and remove existing domestic cold water piping to existing hose at west exterior wall of Science 131.	231.00
58-9	Manning Mechanical, Inc.	FCO #08 - Use pex piping for underground water lines at Area B Science and Special Education rooms.	(701.00)
59-10	Manning Mechanical, Inc.	FCO #09 - Disconnect and reroute rainwater leader piping around required structural steel lintel above Door 123.1.	502.00
60-3	Integrity Steel Supply, LLC	FCO #11 - Change guardrail type at Auditorium 190 and Balcony 190B.	2,370.00
61-11	Manning Mechanical, Inc.	FCO #12 - Provide and install six aluminum egg-crate grills with lined ductwork elbows above.	1,507.00
62-12	Manning Mechanical, Inc.	FCO #13 - Remove existing covered in-slab plumbing trenches and gas and water pipes at science rooms 116, 123, and 131.	1,200.00
63-13	Manning Mechanical, Inc.	FCO #15 - Revise gas piping in tunnels and below concrete slab to serve both the chemistry and science classrooms with separate feeds that can be independently controlled at the gas controller/safety panel and emergency stops located at each room.	7,577.00
65-3	Bachman, Inc. dba Floor to Ceiling	FCO #19 - 1.) Material and labor to skim entire existing floor surface at rooms 116, 119, 123, 128, 128A, 128B, 130, 130A, 130B, & 131 with Ardex floor patching compound and to build up existing floor surfaces and grind patched areas to achieve a flat smooth finished surface. 2.) Additional labor compensation for a crew of five to work on Labor Day to ensure Area B occupancy on 09/21/20. 3.) Labor to install Iris Alumina LVT and vinyl base at Chemical Storage Room 116A.	5,527.00
Sub-Total			25,953.82

Change Orders Approved at Draw #8

64-5	Vinco, Inc.	FCO #16 - Lower installed electrical and data receptacles	595.59

		at six locations in Biology 123 and change from a duplex to a quad outlet.	
66-1	Far-Moor Acoustics & Floors, LLC	PR #22 - HS acoustic treatment. Add for extra scope not in bid documents.	81,087.00
67-6	Vinco, Inc.	PR #20 - HS fire pump.	19,738.73
68-2	LVC Companies, Inc.	PR #20 - HS fire pump.	44,475.00
Sub-Total			145,896.32

Change Orders Approved at Draw #9

69-4	Bachman, Inc. dba Floor to Ceiling	ASI #007 - Add border around rooms 116, 119, 123, 128, and 131.	1,064.00
71-4	RTL Construction, Inc.	PR #24 - FS Hall E1002 Bench Seating. Credit for alcove framing and sheetrock.	(1,223.00)
73-3	Northern Woodwork, Inc.	PR #24 - ES Hall E1002 Bench Seating. Credit for Butcher Block Bench and P-lam.	(819.00)
Sub-Total			(978.00)

Change Orders Approved at Draw #10

72-3	Traill Painting Co.	PR #24 - ES Hall E1002 Bench Seating. Credit painting of alcove.	(100.00)
74-7	Vinco, Inc.	PR #27R - Electrical speaker wiring changes. Change from 14/2 to 18/4 non-shielded plenum speaker cable.	(110.58)
75-5	RTL Construction, Inc.	PR #28 - ES E1005 Soffits. Add for new soffits in elementary school addition.	3,228.42
76-2	Far-Moor Acoustics & Floors, LLC	PR #28 - ES E1005 Soffits. Deduct for less acoustic ceilings.	(329.00)
77-4	Traill Painting Co.	PR #28 - ES E1005 Soffits. Add to paint new soffits.	150.00
79-14	Manning Mechanical, Inc.	FCO #17 - Provide separate curbs for return and supply at each unit, extend ductwork from existing roof surface to units on elevated structural steel support stands, additional duct insulation and aluminum jacketing, insulate and cover exposed bottom of rooftop unit with sheetmetal.	8,612.00
81-5	Bachman, Inc. dba Floor to Ceiling	FCO #22 - Owner requested project enhancement. Install new LVT and vinyl base at Area B. Material & labor to prep existing floor to receive new LVT. Labor to install Iris Alumina LVT at Special Education 129 and Toilet 129A. Material and labor to install vinyl base at Special Education 129, Toilet 129A, and relocated lockers at Hall 1220.	946.00
82-15	Manning Mechanical, Inc.	FCO #23 - Unforeseen condition - The existing heating lines at two locations in tunnel started leaking when system was filled with water. Drain down existing heating lines through tunnel, install ball valves, and cap supply and return lines for the north CUH at Hall 1200, remove and replace existing 1" pipe cap approximately 20' northwest of Chemistry Storeroom 116A.	1,231.00
83-16	Manning Mechanical, Inc.	FCO #24 - Unforeseen conditions. 1.) Construct a temporary 6" PVC pipe drain system from the two existing west roof scuppers to outside the new addition footprint. 2.) Remove existing ductwork and replace with new re-routed ductwork pieces to allow for installation of the new heating lines in Hall E1014.	1,602.00
84-10	Landwehr Construction, Inc.	FCO #30 - Provide and install Class 5 at south elementary school parking lot.	10,862.08
85-3	FM Asphalt, LLC	FCO #31 - Credit for not supplying and installing 950 tons of Class 5 required for the south elementary school parking	(13,000.00)

		lot. Any corrective work or additional Class 5 gravel required prior to installation of asphalt paving will be addressed by a future field change order to FM Asphalt's contract.	
86-4	FM Asphalt, LLC	FCO #32 - Cut out existing deteriorated asphalt to install new at patch areas indicated on plan page C200. Credit provided for areas where others installed Class 5 to level road surfaces at original patch after site demolition work was completed. Asphalt & Labor: \$15,400.00. Class 5 Deduct: (\$1,800.00).	13,600.00
87-17	Manning Mechanical, Inc.	FCO #25 - Material and labor to add three additional 3-way control valves for a total of five to control the glycol loop added to the Area B heating system by PR #15.	1,276.00
88-18	Manning Mechanical, Inc.	FCO #29 - Cost difference between planned and required diffuser type. Labor covered by original scope of work bid.	1,457.00
89-19	Manning Mechanical, Inc.	FCO #33 - Provide and install paint grip break metal at end of demoed locker outside Chemistry 116 to close gab between back of locker and cmu wall, shroud around water, and waste piping at Prep 119 side of fume hood and two locations at concrete ceiling in Science 131 and Hall 1220.	324.00
90-8	Vinco, Inc.	PR #32 - Exterior security camera locations.	3,151.78
Sub-Total			32,900.70

Change Orders Approved at Draw #11

70-4	Gast Construction Company, Inc.	PR #23 - Aluminum storefront changes. Added blocking required by aluminum storefront and windows.	2,213.00
78-5	Gast Construction Company, Inc.	FCO #20 - Owner requested project enhancements: 1.) Provide and install eight marker boards with 1' magnetic marker trays. 2.) Install chemical storage cabinets in Chemical Storage 116A. 3.) Rebuild two banks of salvaged demoed lockers, build wood base and install in Hall 1220. 4.) Remove rubber base and VCT floor covering from Alcove 129 and Toilet 129A.	7,646.00
80-6	Gast Construction Company, Inc.	FCO #21 - Provide and install access panels in wall for gas solenoid valves at Chemistry 116 and Science 131.	484.00
91-9	Vinco, Inc.	FCO #28 - Per owner's request, install line voltage dimmer and wire to each fixture at Room 130. Remove ceiling occupancy sensor from Room 130B and install wall mounted single pole light switch.	749.85
93-6	Eicholtz Masonry, Inc.	PR #36 - ES Gymnasium 180 new pair of doors. Price includes toothing and setting door frame.	2,480.00
94-7	Gast Construction Company, Inc.	PR #36 - ES Gymnasium 180 new pair of doors. Includes required demo and hanging doors and hardware. Toothing and setting frame by others.	1,730.00
95-4	Integrity Steel Supply, LLC	PR #36 - ES Gymnasium 180 new pair of doors.	764.00
96-2	Central Door & Hardware, Inc.	PR #36 - ES Gymnasium 180 new pair of doors.	4,969.00
98-3	Rusco Windows Company, Inc.	PR #36 - ES Gymnasium 180 new pair of doors. Added GL-2 glass, one per door.	300.00
100-10	Vinco, Inc.	PR #38 - ES Exhaust Fan Circuiting.	7,097.52
101-5	All Finish Concrete, Inc.	PR #30 - Concessions Footing Revision.	935.63
Sub-Total			29,369.00

Change Orders Approved at Draw #12

97-1	WCS1, LLC	PR #36 - ES Gymnasium 180 new pair of doors.	50.00

99-3	Innovative Erectors, Inc.	PR #30 - Concessions Footing Revision. Field but beam.	222.20
165-2	Olympus Lockers & Storage Products, Void		0.00
Sub-Total			272.20

Change Orders Approved at Draw #13

**	102-5	Integrity Steel Supply, LLC	PR #26R1 - HS Secure Entry	2,227.00
**	103-4	Innovative Erectors, Inc.	PR #26R1 - HS Secure Entry	2,441.98
**	104-8	Gast Construction Company, Inc.	PR #26R1 - HS Secure Entry	19,700.00
**	105-4	Northern Woodwork, Inc.	PR #26R1 - HS Secure Entry	20,017.00
**	106-4	Pierce Lee Roofing, LLC	PR #26R1 - HS Secure Entry	314.94
**	107-3	Central Door & Hardware, Inc.	PR #26R1 - HS Secure Entry	5,809.00
**	108-4	Rusco Windows Company, Inc.	PR #26R1 - HS Secure Entry	14,730.00
**	109-3	Far-Moor Acoustics & Floors, LLC	PR #26R1 - HS Secure Entry - Includes add alternate for new ceilings - \$6,305.00.	12,828.00
**	110-6	Bachman, Inc. dba Floor to Ceiling	PR #26R1 - HS Secure Entry	7,867.00
**	111-6	Traill Painting Co.	PR #26R1 - HS Secure Entry	3,415.00
**	112-3	LVC Companies, Inc.	PR #26R1 - HS Secure Entry - Includes add alternate for new ceilings - \$1,400.00.	2,650.00
**	113-20	Manning Mechanical, Inc.	PR #26R1 - HS Secure Entry	182,139.00
**	114-6	All Finish Concrete, Inc.	PR #33 - HS Kitchen Remodel	9,820.84
**	115-7	Eicholtz Masonry, Inc.	PR #33 - HS Kitchen Remodel	44,075.00
**	116-9	Gast Construction Company, Inc.	PR #33 - HS Kitchen Remodel	28,240.00
**	117-5	Innovative Erectors, Inc.	PR #33 - HS Kitchen Remodel	2,235.89
**	118-6	Integrity Steel Supply, LLC	PR #33 - HS Kitchen Remodel	6,700.00
**	119-5	Northern Woodwork, Inc.	PR #33 - HS Kitchen Remodel	16,727.00
**	120-5	Pierce Lee Roofing, LLC	PR #33 - HS Kitchen Remodel	4,034.30
**	121-2	WCS1, LLC	PR #33 - HS Kitchen Remodel	1,200.00
**	122-4	Central Door & Hardware, Inc.	PR #33 - HS Kitchen Remodel	19,439.00
**	123-6	RTL Construction, Inc.	PR #33 - HS Kitchen Remodel	25,655.71
**	124-1	McArthur Tile Corporation	PR #33 - HS Kitchen Remodel	48,200.00
**	125-4	Far-Moor Acoustics & Floors, LLC	PR #33 - HS Kitchen Remodel	13,769.00
**	126-7	Traill Painting Co.	PR #33 - HS Kitchen Remodel	2,275.00
**	127-4	LVC Companies, Inc.	PR #33 - HS Kitchen Remodel	3,752.00
**	128-21	Manning Mechanical, Inc.	PR #33 - HS Kitchen Remodel	274,789.31
**	129-11	Vinco, Inc.	PR #33 - HS Kitchen Remodel	112,876.87
**	130-7	Bachman, Inc. dba Floor to Ceiling	PR #33 - HS Kitchen Remodel	(1,285.00)
**	131-7	RTL Construction, Inc.	PR #26R1 - HS Secure Entry	17,591.80
**	132-12	Vinco, Inc.	PR #26R1 - HS Secure Entry - Alternate for new lighting not accepted.	82,050.37
**	133-8	Eicholtz Masonry, Inc.	PR #37 - HS Shop Addition and Remodeling	5,600.00
**	134-6	Innovative Erectors, Inc.	PR #37 - HS Shop Addition and Remodeling - Includes aluminum windows.	238,323.94
**	135-10	Gast Construction Company, Inc.	PR #37 - HS Shop Addition and Remodeling - Alternate to move vehicle lift accepted. - \$2,972.00.	11,342.00
**	136-3	WCS1, LLC	PR #37 - HS Shop Addition and Remodeling	3,000.00
**	137-5	Central Door & Hardware, Inc.	PR #37 - HS Shop Addition and Remodeling	13,208.00
**	138-5	Rusco Windows Company, Inc.	PR #37 - HS Shop Addition and Remodeling	600.00
**	139-8	RTL Construction, Inc.	PR #37 - HS Shop Addition and Remodeling	5,917.22
**	140-5	Far-Moor Acoustics & Floors, LLC	PR #37 - HS Shop Addition and Remodeling	599.00
**	142-5	LVC Companies, Inc.	PR #37 - HS Shop Addition and Remodeling	12,140.00
**	143-5	FM Asphalt, LLC	PR #37 - HS Shop Addition and Remodeling	18,557.00
**	144-13	Vinco, Inc.	FCO #35 - Extend raceway and fire alarm wiring to an accessible location above the ACT ceiling at Lobby E1005.	481.39
**	145-14	Vinco, Inc.	FCO #36 - Extend raceway and wiring to a receptacle location at Office E100H.	202.04
**	146-15	Vinco, Inc.	FCO #37 - Extend power from planned location at west wall to new outlet location above it at 84" above finished	599.18

floor. Add a new data receptacle and raceway to run additional data cable across ceiling space to planned location at reception desk.

147-16	Vinco, Inc.	FCO #38 - Remove existing light above door 7 and relocate approximately 12' to south end of Hall E1015.	245.66
148-6	LVC Companies, Inc.	PR #34 - HS Stage Stand Pipe	(5,320.00)
149-17	Vinco, Inc.	PR #34 - HS Stage Stand Pipe	(247.13)
** 150-22	Manning Mechanical, Inc.	PR #37 - HS Shop Addition and Remodeling	590,826.00
** 151-18	Vinco, Inc.	PR #37 - HS Shop Addition and Remodeling	159,660.06
152-9	Eicholtz Masonry, Inc.	PR #40 - HS Lighting 190K Wall and Door 190F.1	(1,100.00)
153-6	Central Door & Hardware, Inc.	PR #40 - HS Lighting 190K Wall and Door 190F.1	360.00
154-9	RTL Construction, Inc.	PR #40 - HS Lighting 190K Wall and Door 190F.1	1,650.56
155-2	McArthur Tile Corporation	PR #41 - ES Staff Toilet Layout E133	(400.00)
156-8	Bachman, Inc. dba Floor to Ceiling	PR #41 - ES Staff Toilet Layout E133	929.00
157-23	Manning Mechanical, Inc.	PR #42 - ES Fuel Oil Tank Removal	22,419.16
158-6	Northern Woodwork, Inc.	PR #43 - ES Lobby E1005 - Delete Bench Seating	(1,706.00)
159-7	Northern Woodwork, Inc.	PR #48R - Training Room Changes	(184.00)
160-24	Manning Mechanical, Inc.	PR #48R - Training Room Changes	2,903.86
161-6	Pierce Lee Roofing, LLC	PR #49 - Vestibule E1000 Ceiling Material Change	(1,316.22)
162-10	RTL Construction, Inc.	PR #49 - Vestibule E1000 Ceiling Material Change	(1,088.00)
163-6	Far-Moor Acoustics & Floors, LLC	PR #49 - Vestibule E1000 Ceiling Material Change	849.00
164-19	Vinco, Inc.	PR #49 - Vestibule E1000 Ceiling Material Change	668.11
166-10	Eicholtz Masonry, Inc.	PR #44R - ES Hall E1004 Relocated Lockers. Add for burnished block base.	673.00
Sub-Total			2,066,678.84

Change Orders Approved at Draw #14

92-5	Traill Painting Co.	FCO #34 - Labor and materials to paint existing Halls 1200, 1210, 1220, and 1130.	3,180.00
** 141-8	Traill Painting Co.	PR #37 - HS Shop Addition and Remodeling	6,560.00
167-7	Central Door & Hardware, Inc.	PR #47 - Door Security System	19,527.00
168-1	AVI Systems, Inc.	PR #50 - HS Gymnasium 180 - delete projector.	(13,524.90)
169-11	RTL Construction, Inc.	PR #55 - HS Hall 1510 Soffits.	1,843.39
170-9	Traill Painting Co.	PR #55 - HS Hall 1510 Soffits.	315.00
Sub-Total			17,900.49

Change Orders Approved at Draw #15

171-20	Vinco, Inc.	PR #51 - ES Rooftop Equipment Locations and Support.	(2,750.92)
172-11	Gast Construction Company, Inc.	PR #56 - HS Auditorium Cove Lighting Detail.	2,024.00
173-8	Northern Woodwork, Inc.	PR #56 - HS Auditorium Cove Lighting Detail.	619.00
174-21	Vinco, Inc.	PR #56 - HS Auditorium Cove Lighting Detail.	8,822.61
175-22	Vinco, Inc.	PR #58R1 - Elevator Electrical Revision.	4,767.38
176-23	Vinco, Inc.	PR #59 - Auditorium Entrance Soffit Lighting.	5,709.23
177-11	Eicholtz Masonry, Inc.	PR #26A - HS Secure Entry Windows.	1,680.00
178-7	Integrity Steel Supply, LLC	PR #26A - HS Secure Entry Windows.	915.00
179-12	Gast Construction Company, Inc.	PR #26A - HS Secure Entry Windows.	2,554.00
180-6	Rusco Windows Company, Inc.	PR #26A - HS Secure Entry Windows.	1,800.00
181-12	Eicholtz Masonry, Inc.	PR #53A - HS Fitness Partition - Guardrail.	1,840.00
182-8	Integrity Steel Supply, LLC	PR #53A - HS Fitness Partition - Guardrail.	9,954.00
184-24	Vinco, Inc.	PR #061 - OHCD Power	2,207.86
185-1	Trimark Hockenbergs	PR #65 - HS Kitchen remodel sink.	4,512.97
186-13	Gast Construction Company, Inc.	PR #62 - HS Shop Addition Plan Review.	548.00
187-8	Central Door & Hardware, Inc.	PR #62 - HS Shop Addition Plan Review.	2,487.00
188-25	Vinco, Inc.	PR #62 - HS Shop Addition Plan Review.	2,618.92

Sub-Total

50,309.05

Change Orders Approved at Draw #16

183-10	Traill Painting Co.	PR #53A - HS Fitness Partition - Guardrail.	1,455.00
189-9	Bachman, Inc. dba Floor to Ceiling	PR #70 - ES Existing Classroom Shelving.	(2,149.00)
190-11	Traill Painting Co.	PR #70 - ES Existing Classroom Shelving.	(1,525.00)
191-25	Manning Mechanical, Inc.	PR #60 - HS Kitchen Plumbing Review.	6,959.75
192-9	Integrity Steel Supply, LLC	PR #67 - ES Corridor Structural Changes.	756.00
193-7	Innovative Erectors, Inc.	PR #67 - ES Corridor Structural Changes.	1,008.23
194-26	Vinco, Inc.	PR #68 - HS Concessions Electrical.	881.87
195-12	RTL Construction, Inc.	PR #71 - ES Lobby E1001 Furring Wall.	5,685.00
196-12	Traill Painting Co.	PR #71 - ES Lobby E1001 Furring Wall.	300.00
197-27	Vinco, Inc.	PR #71 - ES Lobby E1001 Furring Wall.	456.99
198-7	Far-Moor Acoustics & Floors, LLC	PR #73 - ES Ceilings at Existing Classrooms.	(3,671.00)
199-1	Bradco Restoration	PR #76 - HS Additional Brick Restoration.	34,590.00
200-28	Vinco, Inc.	FCO #39 - Troubleshoot existing wiring, remove extra wire feed from double loaded existing breaker & turn breaker feeding main entry light & door security power back on. \$212.20. FCO #40 - Re-feed AHU from close available circuiting. \$175.56. FCO #41 - Labor to change plan installed electrical rough-in to new location. \$127.50. FCO #42 - Labor to change plan installed ceiling rough-ins to new wall location.	1,025.20
201-29	Vinco, Inc.	PR #69A - ES Spec Ed Elect Demo.	4,483.04
202-8	Far-Moor Acoustics & Floors, LLC	Provide and install 480 sq ft of Armstrong Invis Acoustics	5,319.00
Sub-Total			55,575.08

Change Orders Approved at Draw #17

203-1	Taracon Precast, LLC	FCO #27 - Additionl Crane Mobilization. Add additional crane mobilization \$7,500.00. Deduct for use of Eicholtz forklift (\$1,500.00).	6,000.00
204-30	Vinco, Inc.	PR #81 - HS Fitness Electrical Layout.	8,007.33
205-26	Manning Mechanical, Inc.	FCO #14 - Recessed Mounting Box Chemistry 116.	127.00
206-13	Eicholtz Masonry, Inc.	FCO #45 - Forklift Use Backcharge. Cost associated for crane mobilization due to inadequate work force to complete cmu walls.	(6,000.00)
207-27	Manning Mechanical, Inc.	FCO #44 - Gymnasium Ductwork Changes. Conflicts between bar joist wind bracing and large sized ductwork required resizing of ductwork in Gym 180. Includes credit for deletion of original plan sized ductwork and labor to install.	2,414.00
208-28	Manning Mechanical, Inc.	PR #47 - HS Shop remodel mechanical support.	477.00
209-8	Innovative Erectors, Inc.	PR #47 - HS Shop remodel mechanical support.	1,960.92
211-13	RTL Construction, Inc.	PR #69B - ES Spec Ed demo/finishes.	4,381.44
212-10	Integrity Steel Supply, LLC	PR #72R1 - HS Catwalk elect enclosure framing.	20,485.00
Sub-Total			37,852.69

Change Orders Approved at Draw #18

210-14	Gast Construction Company, Inc.	PR #69B - ES Spec Ed demo/finishes.	960.00
213-31	Vinco, Inc.	PR #79 - HS IT wiring.	7,294.84
215-14	RTL Construction, Inc.	PR #84 - HS Kitchen ceiling revision.	2,074.87
216-32	Vinco, Inc.	PR #84 - HS Kitchen ceiling revision.	237.44
217-11	Integrity Steel Supply, LLC	PR #86 - HS Kitchen mechanical reinforcing.	1,510.00
218-9	Innovative Erectors, Inc.	PR #86 - HS Kitchen mechanical reinforcing.	1,572.07

219-9	Far-Moor Acoustics & Floors, LLC	PR #87 - Elementary classroom ductwork.	(237.00)
220-29	Manning Mechanical, Inc.	PR #87 - Elementary classroom ductwork.	(600.00)
221-7	All Finish Concrete, Inc.	PR #80 - Additional sitework.	8,229.69
222-11	Landwehr Construction, Inc.	PR #80 - Additional sitework. Soil correction not required.	6,980.70
223-12	Landwehr Construction, Inc.	FCO #46 - Remove cmu from footing trenches where banks collapsed. Remove 8' section of undermined footing at HS stage area. Clean muck from HS & ES footing trenches prior to backfilling. Dig alongside undermined HS & ES to allow for Controlled Density Fill placement by All Finish Concrete.	8,330.69
224-8	All Finish Concrete, Inc.	FCO #47 - Place controlled density fill at locations determined correctable by Braun Intertec and Larson Engineering. Form and pour new footing at locations where footings were severely undermined or shifted from originally poured location.	3,341.42
225-9	Northern Woodwork, Inc.	PR #26A - HS Secure Entry Windows.	411.72
226-30	Manning Mechanical, Inc.	PR #77 - ES Natural gas piping to kitchen.	4,137.65
227-15	Gast Construction Company, Inc.	PR #63 Signage. Interior panel signage accepted only.	11,542.00
228-15	RTL Construction, Inc.	PR #78 - ES Bathroom furring walls.	7,311.36
229-16	Gast Construction Company, Inc.	PR #78 - ES Bathroom furring walls.	1,680.00
230-9	All Finish Concrete, Inc.	FCO #48 - Added Concrete. Replace cracked, heaved sidewalk section near HS door 7. Continue existing accessible pathway to HS door 9.	2,181.30
231-10	Innovative Erectors, Inc.	FCO #49 - Ag Shop color transition height. Adjust the color transition height of the exterior sidewall stel on the Ag Shop addition.	6,104.95
232-10	Northern Woodwork, Inc.	FCO #50 - Added solid surface. Provide and install solid surface wall caps at the reading nooks in eight elementary classrooms.	2,402.00
233-17	Gast Construction Company, Inc.	FCO #53 - ES Backing at reading nooks. Add plywood backing at back of reading nooks for casement attachment.	1,404.00
234-18	Gast Construction Company, Inc.	FCO #54 - ES Addition tack boards and tack strips. Provide and install 12' tack boards at elementary classroom and 250' of tack strips above lockers at hall E1004.	8,858.00
235-10	Bachman, Inc. dba Floor to Ceiling	PR #82 - HS Fitness room flooring.	54,995.00
236-12	Integrity Steel Supply, LLC	FCO #51 - CMU Shear wall corrections at ES. All reinforcing bar indicated on structural plan S2101 at the north wall of stairtower J was not installed during CMU wall construction. Provided steel angles as directed by structural engineer.	770.50
237-14	Eicholtz Masonry, Inc.	FCO #52 - Deduct for FCO #51. All reinforcing bar indicated on structural plan S2101 at the north wall of stairtower J was not installed during CMU wall construction. Integrity Steel provided steel angle as directed by structural engineer.	(770.50)
238-11	Northern Woodwork, Inc.	FCO #55 - End panels at 137 and 143. Provide and install P-lam end at FACS 137 and finished 24" filler panel at Art 143.	325.00
239-12	Northern Woodwork, Inc.	FCO #56 - Extra Mobilization. Schedule delays caused extra mobilization to install elementary casework.	1,215.00
242-11	Innovative Erectors, Inc.	PR #53A - HS Fitness Partition - Guardrail	3,888.50
243-12	Innovative Erectors, Inc.	PR #88 - Gymnasium 180 scoreboard supports	2,460.87
244-15	Eicholtz Masonry, Inc.	PR #53A - HS Fitness Partition - Guardrail. Install of guardrail was changed after CO written, this will not be needed anymore. This zeroes out change order #1907-181-12.	(1,840.00)

Change Orders Approved at Draw #19

214-13	Traill Painting Co.	PR #85 - HS Wood shop ceiling painting.	3,250.00
240-13	Integrity Steel Supply, LLC	PR #88 - Gymnasium 180 scoreboard supports	2,423.00
241-14	Traill Painting Co.	PR #88 - Gymnasium 180 scoreboard supports	700.00
245-10	All Finish Concrete, Inc.	PR #37 - New Ag Shop. Add for site concrete.	27,164.13
246-13	Landwehr Construction, Inc.	FCO #57 - Sanitary & Storm Under Building. Provide and install city sanitary sewer and storm sewer underneath high school.	5,637.30
247-14	Landwehr Construction, Inc.	FCO #58 - Sock & Pea rock at drain tile. Provide and install fabric sock and pea rock at drain tile fields in HS & ES infiltration basins around elevator pits and at stage.	11,013.00
248-15	Landwehr Construction, Inc.	FCO #59 - Backflow valves. Provide and install backflow valves at the two drain tile systems exiting the high school addition and the one exiting the elementary addition.	15,946.00
249-16	Landwehr Construction, Inc.	FCO #60 - Misc. Site. 1.) Provide ramps across footings and flat drive paths throughout HS addition - \$2,625.00. 2.) Install salvaged asphalt milling at entries to ES bus loop & south parking lot - \$735.00. 3.) Remove ramp from stage to auditorium after completion of the structural steel, block wall and backfilling scopes of work were completed - \$1,182.00.	4,542.00
Sub-Total			70,675.43

Change Orders Approved at Draw #20

250-13	Innovative Erectors, Inc.	FCO #61 - Adjustments to Structural Steel. Corrections for plan dimensions/elevation discrepancies and epoxy anchor bolts for a steel column after a rain event required a footing to be replaced.	6,784.32
251-10	Far-Moor Acoustics & Floors, LLC	FCO #062 - Commons 170 Sound Panels. Split cost of 120 sq. ft. of acoustical panels on west wall of Commons 170.	1,372.00
252-6	FM Asphalt, LLC	FCO #063 - Pave 5th Street. Poor road structure caused deterioration and required repaving between 5th Street and 4th Avenue and 5th Avenue.	22,300.00
253-14	Innovative Erectors, Inc.	FCO #064 - Add for FCO #066 to Eicholtz. 1. Corrective measures to correct anchor bolt placement in masonry piers at Commons 170. \$12,839.83. 2. Corrective measures to steel tube bearing height at HS running track, provide structural integrity of shear walls at ES stair tower J, & provide for adequate joist bearing at auditorium 190. \$9,563.71. FCO #067 - Deduct for FCO #065. 1. Replace CMU carelessly removed during sky link structural steel installation. (\$4,646.00).	17,757.54
255-7	FM Asphalt, LLC	PR #92 - ES Parking signage.	2,860.00
256-31	Manning Mechanical, Inc.	PR #94 - Exterior wall hydrants.	10,184.00
257-15	Innovative Erectors, Inc.	PR #90 - Lighting balcony 190k beam.	3,468.16
258-15	Traill Painting Co.	PR #37 - New Ag Shop. The school decided not to paint the rigid structure in the new steel building and will accept a credit of (\$4,685.00).	(4,685.00)
Sub-Total			60,041.02

Change Orders Approved at Draw #21

261-20	Gast Construction Company, Inc.	PR #63 - Signage. Owner decided to go with cast aluminum in lieu of acrylic, resulting in an add of \$2,767.00 to original PR #63 pricing of \$12,303.00 written in change	2,767.00

262-21	Gast Construction Company, Inc.	order #1907-259-19. PR #31 - Flag Poles.	8,261.00
Sub-Total			11,028.00

Change Orders Approved at Draw #22

254-16	Eicholtz Masonry, Inc.	FCO #066 - Deduct for FCO #064 to Innovative. 1. Corrective measures to correct anchor bolt placement in masonry piers at Commons 170. (\$12,839.83). 2. Corrective measures to steel tube bearing height at HS running track, provide structural integrity of shear walls at ES stair tower J, & provide for adequate joist bearing at auditorium 190. (\$9,563.71). FCO #065 - Add for FCO #067. 1. Replace CMU carelessly removed during sky link structural steel installation. \$4,646.00.	(17,757.54)
259-19	Gast Construction Company, Inc.	PR #63 - Add for reduced scope exterior signage.	12,303.00
260-11	All Finish Concrete, Inc.	FCO #68 - Additional Curb, Sidewalk and Parking Lot Slab. 1.) Prep for and install new sidewalks at the elementary parking lot sidewalk connection to 5th Street sidewalk, at curve from 4th Street to 4th Avenue and between sidewalk and 4th Avenue at the north aluminum entry doors of the high school addition. 2.) Install section of new curb and parking lot slab where existing was removed to install 15" HDPE storm sewer piping from catch basin 7 to existing curb basin at south side of the existing HS parking lot.	7,995.72
263-11	Far-Moor Acoustics & Floors, LLC	FCO #69 - Additional ACT at existing locations. Provide and install ceilings in existing HS halls 1000, 1001, & 1010 & Ag Room 112, Ag Office 112B, Kitchen 102, Girls' Bathroom 116 and ES Library.	19,342.00
264-12	Far-Moor Acoustics & Floors, LLC	FCO #70 - Additional ACT at plan missed locations. Provide and install ceilings in existing ES entries E1007 & E1009 and at HS Hall 1300.	2,461.00
265-22	Gast Construction Company, Inc.	PR #63 - Signage. Owner decided to go with 15" lettering for "MAIN ENTRANCE" in lieu of '12", resulting in an add of \$879.00 to revised PR #63 pricing.	879.00
Sub-Total			25,223.18

Change Orders Approved at Draw #23

266-8	FM Asphalt, LLC	FCO #73 - Additional signage and paint striping at ES & HS parking lots. 1. Add two entrance signs at ES bus lane and one additional stall and number bus stalls - \$1,050.00. 2. Paint existing HS ADA stall curbs blue and a bus only sign with restricted hour sign at ES bus lane entrance - \$925.00. 3. Re-stripe existing HS parking lot - \$1,250.00.	3,225.00
267-16	Innovative Erectors, Inc.	FCO #74 - Gym column base plate modifications. Fix columns C8 & C13 due to strong wind shifting with masonry shelter and dislodging anchor bolts at north gym wall.	880.80
268-9	FM Asphalt, LLC	FCO #72 - patching at 5th Street HS bus lane. HS bus lane entry from 5th Street SE to provide a smooth transition from 5th Street to the concrete HS bus lane.	4,020.00
269-17	Landwehr Construction, Inc.	FCO #75 - Prep for additional sidewalk at ES parking lot. Prep for additional sidewalk from 5th Street sidewalk to north ES parking lot sidewalk.	763.28
270-33	Vinco, Inc.	FCO #76 - Electrical demo and new power to FA related items. Demolition of existing equipment, power to existing	6,532.21

		and new mechanical equipment, fire alarm tie in to existing items not shown on plans.	
271-7	Rusco Windows Company, Inc.	PR #96 - Fitness 183 mirrors.	1,800.00
272-14	Integrity Steel Supply, LLC	PR #97 - Roof ladder.	1,331.00
273-17	Innovative Erectors, Inc.	PR #97 - Roof ladder.	2,110.90
274-34	Vinco, Inc.	PR #98 - HS kitchen office data.	715.07
275-35	Vinco, Inc.	PR #103 - HS Hall 1520 Exiting Lighting.	2,689.42
276-11	Bachman, Inc. dba Floor to Ceiling	FCO #71 - Commons 170 step risers and nosings. Provide and install rubber risers and nosings at the steps and ramp at Commons 170.	1,997.00
277-36	Vinco, Inc.	PR #89 - HS Area A mechanical items.	801.29
278-37	Vinco, Inc.	PR #101 - HS hall 1520 light fixtures.	(439.17)
283-13	Far-Moor Acoustics & Floors, LLC	PR #102 - Stair H ceiling.	671.00
Sub-Total			27,097.80

Change Orders Approved at Draw #24

279-32	Manning Mechanical, Inc.	PR #29 - ES Sprinkler piping support. Plan review required added hanger support for piping.	2,429.20
280-33	Manning Mechanical, Inc.	PR #95 - Boiler EPO System.	2,114.70
281-34	Manning Mechanical, Inc.	PR #99 - HS Practice room modifications.	2,373.74
282-7	LVC Companies, Inc.	PR #102 - Stair H ceiling.	1,176.01
284-16	Traill Painting Co.	PR #105 - HS balcony revisions.	300.00
285-16	RTL Construction, Inc.	PR #102 - Stair H ceiling.	1,657.14
286-17	RTL Construction, Inc.	PR #105 - HS balcony revisions.	1,712.06
287-18	Innovative Erectors, Inc.	PR #72R1 - HS catwalk elect enclosure framing revision 1. Agreed to not exceed \$14,637.43.	14,637.43
288-17	Traill Painting Co.	PR #104 - HS track guardrail gates.	985.00
289-15	Integrity Steel Supply, LLC	PR #104 - HS track guardrail gates.	4,259.00
291-17	Eicholtz Masonry, Inc.	FCO #77 - Egress walkway at door 10. Provide and install scaffolding, reinforced poly, and wood planks, 7 months rent.	651.75
292-18	Eicholtz Masonry, Inc.	FCO #78 - CMU walls. Install walls at shower stall rooms 122A & 148A, infill wall required for ADA plumbing at toilets 161 & 163.	4,941.20
293-38	Vinco, Inc.	FCO #79 - Owner requested changes. 1.) Provide power to owner furniture at ES district & admin desk. \$586.82. 2.) Repair FA wiring at existing HS that were reinstalled by others at abated halls on 2nd & 3rd floor demo. \$2,125.00. 3.) Reinstall 120v lighting to the 13 existing ES classroom alcoves. \$4,306.56. 4.) Relocate data & power service at two walls in ES reception E100. \$2,426.42. 5.) Add data rough-in and power at existing ES SPED E122, E123, E124. \$1,869.27.	11,314.07
296-18	RTL Construction, Inc.	FCO #82 - Unforeseen/Project Enhancement. 1.) Skim existing deteriorated walls in new admin area with 5/8" sheetrock and prep for paint. \$1,234.60. 2.) Tape and sand wall patches at reading nooks in eight elementary classrooms. \$456.42.	1,691.02
297-19	RTL Construction, Inc.	FCO #18 - Area B project enhancement. Add bulkheads for ceiling at SPED 128, framed opening for electrical panel at Chemistry 116 & prep 119 frame for added access panels to enclose gas shut off at Chemistry 116 and access VAV at SPED 130, frame for recessed gas controller at Chemistry 116 & skim coat existing infilled windows at SPED 128.	2,606.06
298-20	RTL Construction, Inc.	FCO #26 - Demo existing roof decking. Cut and remove a section of sloped roof deck at east exterior wall of existing art	476.00

room 143.

Sub-Total

53,324.38

Change Orders Approved at Draw #25

290-12	Bachman, Inc. dba Floor to Ceiling	PR #107 - HS commons 170 wall base.	497.00
294-39	Vinco, Inc.	FCO #80 - Wire ADA push buttons at auto operated entries. Install 18/2 cable and connections for ADA push buttons on openings E100E.1, E100A.1, E1000.1 & E1000.3.	764.17
299-8	Rusco Windows Company, Inc.	PR #106 - ES Office Sliding Window.	2,685.00
300-21	RTL Construction, Inc.	PR #106 - ES Office Sliding Window.	864.26
301-18	Traill Painting Co.	PR #106 - ES Office Sliding Window.	300.00
302-40	Vinco, Inc.	PR #108 - HS Door 1300 Magnetic Door Holds.	792.50
303-23	Gast Construction Company, Inc.	PR #106 - ES Office Sliding Window.	7,676.00
304-24	Gast Construction Company, Inc.	PR #112 - HS Assembly Occupancy Signage.	1,458.00
306-12	All Finish Concrete, Inc.	FCO #89 - Cold Weather Concrete. Winter rates for schedule delayed concrete.	258.50
307-35	Manning Mechanical, Inc.	PR #89 - HS Area A Mechanical Items	4,159.10
308-22	RTL Construction, Inc.	FCO #81 - Miscellaneous Gypsum Extras. 1.) Add 1/2" RC Channel to select walls at Band & Choir rooms. \$2,152.76. 2.) Frame, sheetrock, tape, and sand gypsum bulkhead at Commons 145 connection to Hall 1300. \$1,874.72. 3.) Difference in material and labor cost to install 5/8" fire treated plywood in lieu of 5/8" gypsum wallboard at Auditorium 190. \$3,577.99. 4.) Frame, sheetrock, tape, and sand gypsum bulkhead at stair J. \$1,914.23.	9,519.70
309-23	RTL Construction, Inc.	FCO #83 - Code Related Gypsum Extras. 1.) Add 2 hr shaft wall enclosure above door 1030 to provide 2 hr assembly around multiple penetrations. \$2,589.00. 2.) Build temporary steel stud/gypsum walls outside existing door 10. \$1,398.01. 3.) Frame, sheetrock, and firetape gypsum walls outside existing door 10. \$281.12.	5,109.25
310-24	RTL Construction, Inc.	FCO #90 - Unforeseen/Owner Requested Project Enhancements. 1.) Frame, sheetrock, and finish gypsum soffit at Lobby E1005 & Hall E1006, provide access door to access fire alarm junction boxes. \$2,145.23. 2.) Frame, sheetrock, and finish radius bulkhead at vestibule 190E. \$774.62. 3.) Frame and install fire treated plywood on knee wall at AG Shop 112B. \$830.59. 4.) Patch mirror mounting holes in gypsum wall at Fitness 183 after mirrors were relocated approximately one foot higher. \$456.42.	4,206.86
311-13	Northern Woodwork, Inc.	FCO #92 - Stage Nosing Revision. Revise maple stair nosing trim at stage 191 to have deeper returns to accommodate electrical conduits and back boxes and one additional day per diem for install crew.	2,678.00
312-14	Northern Woodwork, Inc.	FCO #86 - Added ADA Cabinet Panel. Provide and install ADA panel at open sink cabinet in Conference Room E100B.	150.00
313-41	Vinco, Inc.	PR #111R1 - HS Auditorium Lighting.	609.32
314-19	Traill Painting Co.	FCO #93 - Auditorium Floor Sealing. Added floor sealing not shown on the plans.	6,378.00
Sub-Total			48,105.66

Change Orders Approved at Draw #26

316-42	Vinco, Inc.	PR #114 - Exterior Light Fixtures.	1,524.91
Sub-Total			1,524.91

Change Orders Approved at Draw #27

317-16	Integrity Steel Supply, LLC	FCO #95 - Onsite rework deduct. Stair F stringers and commons 170 ADA ramp railing not fabricated correctly and had to be modified for proper installation.	(3,321.90)
318-17	Integrity Steel Supply, LLC	FCO #97 - Metal Adds. 1. Stairs at Mechanical Room 199 were not shown on bid documents. 2. Conflict between ductwork and wind bridging at Auditorium bar joist space. 3. Project enhancement for safety of public.	4,190.00
319-43	Vinco, Inc.	FCO #87 - Electrical Adds. 1. Relocate light fixtures at Elementary School Conference Room E100B. \$391.00. 2. Extend existing electrical boxes out to accommodate added layer of drywall at HS Conference Room 142D and records 142C. \$437.10. 3. Per ASI #32, add USB outlets at burnished block counter walls in Commons 170. \$10,206.67. 4. Replace GFCI receptacle at concessions 145A with a standard receptacle and add a GFCI breaker at electrical panel to solve issues with ther existing pretzel machine. \$363.65. 5. Add two 2 x 2 light fixtures each at Men's toilet 171 and Women's toilet 172. \$642.32.	12,040.73
320-3	McArthur Tile Corporation	FCO #100 - Floor Leveling. After wall demo, existing floor was lower at planned new door opening to ES staff toilet E133.2.	590.00
322-36	Manning Mechanical, Inc.	FCO #99 - Upsize Piping & Added EPO Switch. Remove originally specified 1- 1/2" piping for AHU1 and replace with 3", replace 1 1/2" piping for AHU 5 with 2" per RFI #72. \$14,201.31. Add an EPO switch at HS Mech room 186 for water heater and wire installed EPO switches at Elementary boiler room. \$1,427.00	15,628.31
323-19	Innovative Erectors, Inc.	FCO #96 - Unforeseen/not on plans steel erection. 1. Grout hollow core plank cores solid for stair H. \$311.08. 2. Install horizontal wind bracing where ductwork layout required bracing removal. \$1,083.23. 3. Remove detailed 3/4" plywood backer, prep for toggle bolts and reinstall for guardrail attachment at 2nd floor tier seating. \$1,263.83. 4. Install stairs at Mechanical Mezzanine 199. \$538.84.	3,196.98
324-20	Innovative Erectors, Inc.	FCO #85 - Onsite rework add. Stair F stringers and commons 170 ADA ramp railing not fabricated correctly and had to be modified for proper installation.	3,321.90
327-37	Manning Mechanical, Inc.	PR #117 - HS Gymnasium water cooler.	2,952.00
328-9	Rusco Windows Company, Inc.	PR #47 - Door security system. Added labor to change existing panics to EL Rim panics, add removable mullion, add (2) power transfers.	850.00
329-21	Innovative Erectors, Inc.	PR #110 - Auditorium handrails.	8,310.28
Sub-Total			47,758.30

Change Orders Approved at Draw #28

295-1	Otis Elevator Company	FCO #84 - Elevator additional staffing. Extra trip to operate elevator to allow for fire caulking in the elevator shaft for code compliance.	980.00
321-13	All Finish Concrete, Inc.	FCO #98 - Floor Sealing Credit. Switch floor sealing type at select rooms scheduled to receive concrete sealer.	(5,420.00)
331-14	Far-Moor Acoustics & Floors, LLC	FCO #102 - Misc. Ceiling Changes. 1. Reduce footage of	2,947.00

	ES elevator equipment room. 2. Plan discrepancy. 3. ISD vendor removed ceiling but did not reinstall. 4. Adjustment to ceiling heights.	
332-38 Manning Mechanical, Inc.	FCO #101 - Plasma Table Exhaust. Provide enhanced exhaust performance at existing plasma table.	1,500.04
333-44 Vinco, Inc.	FCO #103 - Electrical Extras. 1. Prep tile and reinstall brackets and smoke detectors in acoustical ceiling. \$306.00. 2. Install conduit and CAT6 and floor boxes south side of Track 2510. \$2,265.20.	2,571.20
334-45 Vinco, Inc.	FCO #104 - Unforeseen Electrical. 1. Relocate power feeds for RTU's to avoid modified structural steel and duct and piping at ES. \$5,243.25. 2. Relocate two existing exit lights at Cafeteria E150 for ductwork routing. \$562.65. 3. Replace damaged emergency light at fitness 183. \$432.54.	6,238.44
Sub-Total		8,816.68

Change Orders Approved at Draw #29

305-8 LVC Companies, Inc.	FCO #88 - Fire Protection Changes. 1. Remove exposed heads and install flex heads in new ACT in Ag Classroom 112 and in Ag Office 112B \$1,382.00. 2. Remove plastic lines and reinstall steel after district removed walls and ceilings. \$2,119.20.	3,501.20
325-9 LVC Companies, Inc.	FCO #94 - VE plastic pipe. Value engineering to use CPVC Blazemaster pipe in lieu of specified schedule 40 in HS.	(5,383.40)
326-10 LVC Companies, Inc.	FCO #91 - Code compliance fire protection. Added coverage for areas not shown on plan but required by code, wood ceiling in HS and 2nd floor mechanical room.	13,820.40
330-20 Traill Painting Co.	PR #110 - Auditorium handrails.	573.00
335-46 Vinco, Inc.	FCO #106 - Code Items. 1. Illuminate walking spaces outside vestibules 1521 & 1522. \$983.56. 2. Install (5) additional ceiling mount emergency light fixtures at Auditorium 190. \$2,293.24.	3,276.80
336-9 Central Door & Hardware, Inc.	FCO #109 - Miscellaneous Hardware Changes. 1.) Add storeroom under stairs H at HS addition \$1,419.00. 2.) Provide removable mullion for door 180.8 \$1,087.00. 3.) Provide storeroom locksets and keyed lock cores for elevator equipment rooms 18A & E002A. \$315.00.	2,821.00
339-1 Innovative Builders	FCO #115 - Concrete Floor Finish at Ag Shop. Concrete floor finish for PR #37 Ag Shop was unacceptable to ISD #146 and was rejected. Credit was accepted by district as payment in lieu of removal and replacement.	(12,250.00)
340-7 Pierce Lee Roofing, LLC	FCO #114 - Code Required Items for PLR. 1.) Install weather barrier over exterior sheathing at curtain wall framing at Vestibule 1521 & 1522. \$886.44. 2.) Extend smoke hatch release cables to a reachable height above the stage floor. \$1,640.68.	2,527.12
341-26 Gast Construction Company, Inc.	FCO #112 - Eicholtz Frame Install. Eicholtz did not install HM frames at Fitness 183 and Costume 192E.2 while constructing wall and had to demo out an incorrectly installed frame at 180A.2 in Gym Storage, hired Gast Co. to install frame afterwards. \$363.00.	363.00
342-19 Eicholtz Masonry, Inc.	CO #111 - Extra Masonry Work. 1.) Remove & cut architectural stone at Vestibule 170A and Commons 170 south exterior wall to match field engineered dimension associated with curtain wall HS4. \$1,001.00. 2.) Remove	2,507.45

		excess mortar from CMU joints on existing north and east wall of Wrestling room and tuck point. \$1,869.45. FCO #113 - Deduct for FCO #112. Did not install HM frames at Fitness 183 & Costume 192.E2 while constructing wall & had to demo out an incorrectly installed frame at 108A.2 in Gym Storage. Hired Gast Co. to Install frame afterwards. (\$363.00).	
343-20	Eicholtz Masonry, Inc.	FCO #110 - Masonry Not on BP-1 Plans. 1.) Infills at multiple locations in existing HS and ES. 2.) Demo portion of existing brick veneer above new roofline at the north exterior wall and install flashing, weeps, and new bricks.	13,103.42
344-21	Eicholtz Masonry, Inc.	PR #26R1 - HS Secure Entry. Door infill CR 141.	951.50
345-22	Eicholtz Masonry, Inc.	ASI #32 - HS Commons Countertop Power. Add one course at knee wall in Commons 170 to make room for outlets.	1,984.40
346-13	Bachman, Inc. dba Floor to Ceiling	FCO #116 - Floor Prep. Prep floors to receive new LVT and Carpet.	6,608.04
347-47	Vinco, Inc.	FCO #105 - 1.) Existing ceilings and lights were removed per architectural and electrical demolition plans at Elementary School Rooms E124, E125, & E149 but no new fixtures were indicated to be installed. 2.) Electrical demo plan ED2111 did not indicate need to demo power to mechanical equipment scheduled to be removed from existing Mechanical Room 156 or Receiving E155. 3.) Fire alarm tie-in at fire rated coil door 192F.2 not indicated on PR #61. 4.) Strip lighting at first section of north tier seating in Auditorium 190 not indicated on Area E Lighting Plan E1125. 5.) BP-3 AV power supply required larger amperage than what was indicated on BP-2 plans (6). Wiring needs from Mini Split at Electrical Room 185 to rooftop condensing unit not indicated on plan pages E1135 or E6000.	20,890.96
Sub-Total			55,294.89
Change Orders Approved at Draw #30			
315-25	RTL Construction, Inc.	PR #113 - HS Auditorium Stage Stair Furring.	460.81
338-25	Gast Construction Company, Inc.	FCO #108 - HM Frame Delay. Foam fill 29 HM door and window frames and install with CMU existing wall anchors, bondo, and prime anchor holes after installation. Caused by frames not arriving on time.	6,916.00
348-4	WCS1, LLC	FCO #121 - Caulking Credit. WCS1 requested we use someone else to fulfill remaining contract items to complete project.	(6,325.00)
350-8	Pierce Lee Roofing, LLC	FCO #122 - Prefinished Metal at HS & ES. Install pre-finished metal coping at top of ES main entry. Install pre-finished metal along main entry at HS.	1,757.73
Sub-Total			2,809.54
Change Orders Approved at Draw #31			
349-11	LVC Companies, Inc.	FCO #120 - LVC Overtime. Cost difference between over-time rate and regular rate for overnight work performed for enhancement of the summer remodel schedule.	10,987.00
351-27	Gast Construction Company, Inc.	FCO #123 - Miscellaneous Gast Extras. 1. Demo existing brick and raise steel lintel at existing exterior wall between Hall E106. ~~\$650.00~~ . 2. Demo existing plaster ceiling.	9,242.00

\$530.00. 3. Demo existing 2 x 4 acoustical ceiling
 \$530.00. 4. Cut and demo out sections of existing CMU wall & shore to hold until plumbing and new wall infill were complete. \$770.00. 5. Replace damaged top rails, rebuild center support and install new shelves. \$145.00. 6. Install extra HM frame existing wood door and misc. hardware. \$260.00. 7. Cut and remove concrete slab. \$280.00. 8. Add additional wood blocking to achieve needed wall height at second floor auditorium knee wall. \$383.00. 9. Add plywood and 2x subfloor at exterior wall lines of pedestrian walkway. \$4,470.00. 10. Cut and remove concrete slab, form and pour in new concrete around pole vault pit. \$1,224.00.

Sub-Total 20,229.00

Change Orders Approved at Draw #32

337-10 Central Door & Hardware, Inc.	FCO #108 - HM Frame Delay. Foam fill 29 HM door and window frames and install with CMU existing wall anchors, bondo, and prime anchor holes after installation. Caused by frames not arriving on time.	(6,916.00)

Sub-Total (6,916.00)

Change Orders Approved at Draw #33

353-2 Taracon Precast, LLC	FCO #124 - Break Metal Deduct. Pierce Lee Roofing provided (2) metal caps to cover unfinished precast wall panel ends at entries 1521 & 1522.	(734.72)

Sub-Total (734.72)

Change Orders Approved at Draw #34

352-21 Traill Painting Co.	FCO #117 - Fire Rating Identification Vinyl Labels. Code required fire rating identification above ceilings at fire and smoke rate assemblies. FCO #118 - Miscellaneous Extra Painting. Extra painting throughout project for items unforeseen or not on plans.	5,262.50
354-23 Eicholtz Masonry, Inc.	FCO #125 - Repainting CMU Walls. Touch up paint at CMU wall locations where excess mortar and grout splatter was removed by Eicholtz Masonry from HS (Stairs G & H, Halls 1510, 1520, 1530, & 2530 and also at patched locations in Concessions 145A & Training 175) & ES (Stair J, Halls E1002 & E1004, Lobbies E1001 & E1005). \$3,315.00.	(3,315.00)
356-22 Traill Painting Co.	FCO #119 - Repainting Pre-cast & CMU Walls. 1.) Repaint the 2nd floor pre-cast walls on the west and south side of the Running Track 2510 to cover 100's of spots where concrete spatter was removed by All Finish Concrete. \$4,810.00. 2. Touch up paint at CMU wall locations where excess mortal and grout spattr was removed by Eicholtz Masonry from HS (Staris G & H, Halls 1510, 1520, 1530, & 2530 and also at patched locations in Concessions 145A & Training 175. \$3,315.00.	8,125.00

Sub-Total 10,072.50

Change Orders Approved at Draw #35

Sub-Total	0.00

Change Orders Approved at Draw #36

355-14 All Finish Concrete, Inc.	FCO #126 - Repaint the 2nd floor pre-cast walls on the west and south side of the Running Track 2510 to cover 100's of spots where concrete splatter was removed by All Finish Concrete.	(4,810.00)
Sub-Total		(4,810.00)

Change Orders Approved at Draw #37

357-12 LVC Companies, Inc.	FCO #127 - Precast Staining Fix. Agreed to fix of acoustical panels to cover staining of precast in Commons 170 from core drilling penetrations. Responsibility is 1/2 of cost.	(2,920.50)
358-48 Vinco, Inc.	FCO #127 - Precast Staining Fix. Agreed to fix of painting 2nd floor wall in Hall 2520 to cover staining from core drilling. Responsibility is 1/3 of cost. (\$315.00).	(315.00)
359-39 Manning Mechanical, Inc.	FCO #127 - Precast Staining Fix. Agreed to fix of acoustical panels to cover staining of precast in Commons 170 from core drilling penetrations. Responsibility is 1/2 of cost. (\$2,920.50). Agreed to fix of painting 2nd floor wall in hall 2520 to cover staining from core drilling. Responsibility is 1/3 of cost. (\$315.00).	(3,235.50)
Sub-Total		(6,471.00)

Change Orders Approved at Draw #38

Sub-Total	0.00

Change Orders Approved at Draw #39

Sub-Total	0.00

Change Order Status To Date 11/05/23	<u>3,478,517.11</u>

* Change Order #1907-10-3 affects the " Elementary School Parking Lot East" line on the draw instead of Construction Contingency.

** Change Orders affecting Owner Contingency instead of Construction Contingency.

Adopted: _____

MSBA/MASA Model Policy 202

Orig. 1995

Revised: _____

Rev. 2011

202 SCHOOL BOARD OFFICERS

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

I. PURPOSE

School board officers are charged with the duty of carrying out the responsibilities entrusted to them for the care, management, and control of the public schools of the school district. The purpose of this policy is to delineate those responsibilities.

II. GENERAL STATEMENT OF POLICY

- A. The school board shall meet annually and organize by selecting a chair, a clerk, a treasurer, and such other officers as determined by the school board. At its option, the school board may appoint a vice-chair to serve in the temporary absence of the chair.
- B. The school board shall appoint a superintendent who shall be an ex officio, nonvoting member of the school board.

III. ORGANIZATION

The school board shall meet annually on the first Monday in January, or as soon thereafter as practicable, and organize by selecting a chair, a clerk, a treasurer, and such other officers as determined by the school board. These officers shall hold office for one year and until their successors are elected and qualify.

- A. The persons who perform the duties of clerk and treasurer need not be members of the school board.
- B. The school board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the office of business affairs.

[Note: The organizational meeting is a good time for the school board to plan for how to cancel and reschedule a board meeting. For example, the school board could decide and include in the regular meeting schedule a provision that if the school district closes early due to bad weather and calls off evening activities, any school board meeting scheduled for that evening will also be postponed and held at the same time and place the following evening.]

The organizational meeting is also a good time for the school board to select the school district's legal counsel and the individuals authorized to contact legal counsel. Usually, the authorized contacts are the board chair, the superintendent, and the chief

business official of the school district. In addition, many school districts authorize their human resources director, or a person exercising similar duties, to contact legal counsel.]

IV. OFFICER'S RESPONSIBILITIES

A. Chair

1. The chair when present shall preside at all meetings of the school board, countersign all orders upon the treasurer for claims allowed by the school board, represent the school district in all actions, and perform all duties a chair usually performs.
2. In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the school board to be paid, the chair may draw the orders, or the office of the clerk may be declared vacant by the chair and treasurer and filled by appointment.

B. Treasurer

1. The treasurer shall deposit the funds of the school district in the official depository.
2. The treasurer shall make all reports which may be called for by the school board and perform all duties a treasurer usually performs.
3. In the event there are insufficient funds on hand to pay valid orders presented to the treasurer, the treasurer shall receive, endorse, and process the orders in accordance with Minn. Stat. § 123B.12.

C. Clerk

1. The clerk shall keep a record of all meetings in the books provided.
2. Within three days after an election, the clerk shall notify all persons elected of their election.
3. On or before September 15 of each year, the clerk shall:
 - a. file with the school board a report of the revenues, expenditures, and balances in each fund for the preceding fiscal year.
 - b. make and transmit to the commissioner certified reports, showing:
 - (1) revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;

- (2) length of school term and enrollment and attendance by grades; and
 - (3) other items of information as called for by the commissioner.
- 4. The clerk shall enter into the clerk's record book copies of all reports and of the teachers' term reports, and of the proceedings of any meeting, and keep an itemized account of all expenses of the school district.
- 5. The clerk shall furnish to the county auditor, on or before September 30 of each year, an attested copy of the clerk's record, showing the amount of proposed property tax voted by the school district or the school board for school purposes.
- 6. The clerk shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the school board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair.
- 7. The clerk shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.
- 8. The clerk shall perform the duties of the chair in the event of the chair's and the vice-chair's temporary absences.

D. Vice-Chair [Optional]

The vice-chair shall perform the duties of the chair in the event of the chair's temporary absence.

E. Superintendent

- 1. The superintendent shall be an ex officio, nonvoting member of the school board.
- 2. The superintendent shall perform the following:
 - a. visit and supervise the schools in the school district, report and make recommendations about their condition when advisable or on request by the school board;
 - b. recommend to the school board employment and dismissal of teachers;
 - c. annually evaluate each school principal assigned responsibility for supervising a school building within the district;

- d. superintend school grading practices and examinations for promotions;
- e. make reports required by the commissioner; and
- f. perform other duties prescribed by the school board.

Legal References:

Minn. Stat. § 123B.12 (Finance)
 Minn. Stat. § 123B.14 (Officers)
 Minn. Stat. § 123B.143 (Superintendent)
 Minn. Stat. § 126C.17 (Referendum Revenue)
 Minn. Stat. Ch. 205A (School District Elections)

Cross References:

MSBA/MASA Model Policy 101 (Legal Status of the School District)
 MSBA/MASA Model Policy 201 (Legal Status of the School Board)
 MSBA/MASA Model Policy 203 (Operation of the School Board – Governing Rules)
 MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties

Adopted: _____

MSBA/MASA Model Policy 202

Orig. 1995

Revised: _____

Rev. 20~~22~~¹¹

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- B. The school board shall appoint a superintendent who shall be an ex officio, nonvoting member of the school board.

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The school board shall meet annually on the first Monday in January, or as soon thereafter as practicable, and organize by selecting a chair, a clerk, a treasurer, and such other officers as determined by the school board. These officers shall hold office for one year and until their successors are elected and qualify.

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 - b. make and transmit to the [Commissioner of the Minnesota Department of Education \(Commissioner\)](#) certified reports, showing:
 - (1) revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the [Commissioner](#);
 - (2) length of school term and enrollment and attendance by grades; and
 - (3) other items of information as called for by the [Commissioner](#).
4. The clerk shall enter into the clerk's record book copies of all reports and of the teachers' term reports, and of the proceedings of any meeting, and keep an itemized account of all expenses of the school district.

5. The clerk shall furnish to the county auditor, on or before September 30 of each year, an attested copy of the clerk's record, showing the amount of proposed property tax voted by the school district or the school board for school purposes.
6. The clerk shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the school board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair.
7. The clerk shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.
8. The clerk shall perform the duties of the chair in the event of the chair's and the vice-chair's temporary absences.

D. Vice-Chair [Optional]

The vice-chair shall perform the duties of the chair in the event of the chair's temporary absence.

E. Superintendent

1. The superintendent shall be an ex officio, nonvoting member of the school board.
2. The superintendent shall perform the following:
 - a. visit and supervise the schools in the school district, report and make recommendations about their condition when advisable or on request by the school board;
 - b. recommend to the school board employment and dismissal of teachers;
 - c. annually evaluate each school principal assigned responsibility for supervising a school building within the district;
 - d. superintend school grading practices and examinations for promotions;
 - e. make reports required by the commissioner; and
 - f. perform other duties prescribed by the school board.

Legal References:

Minn. Stat. § 123B.12 ([Insufficient Funds to Pay OrdersFinance](#))
 Minn. Stat. § 123B.14 ([Officers of Independent School Districts](#))
 Minn. Stat. § 123B.143 (Superintendent)
 Minn. Stat. § 126C.17 (Referendum Revenue)
 Minn. Stat. Ch. 205A (School District Elections)

Cross References:

MSBA/MASA Model Policy 101 (Legal Status of the School District)
 MSBA/MASA Model Policy 201 (Legal Status of the School Board)
 MSBA/MASA Model Policy 203 (Operation of the School Board – Governing Rules)

Adopted: _____

MSBA/MASA Model Policy 204

Orig. 1995

Revised: _____

Rev. 2008

204 SCHOOL BOARD MEETING MINUTES

[Note: The provisions of this policy are required by statute.]

I. PURPOSE

The purpose of this policy is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

III. MAINTENANCE OF MINUTES AND RECORDS

A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded in a journal kept for that purpose. Public records maintained by the school district shall be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

B. Recordings of Closed Meetings

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the school district. Recordings of closed meetings shall be made separately from the recordings of an open meeting, to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.
2. Recordings of closed meetings shall be preserved by the school district for the following time periods:
 - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.

- b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
 - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
 - d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.
 - e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the school district's Records Retention Schedule.
3. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
- a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
 - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
 - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
4. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
5. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
- a. The date of the closed meeting;
 - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational

data, etc.); and

c. The classification of the data.

6. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.3. above.

IV. PUBLICATION OF OFFICIAL PROCEEDINGS

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty (30) days, the school board need not publish the minutes until ten (10) days after they have been approved by the school board.
- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions offered including a brief description of their subject matter and whether adopted or defeated. The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.
- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

Legal References: Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)
Minn. Stat. § 123B.09, Subd. 10 (Publishing Proceedings)
Minn. Stat. § 123B.14, Subd. 7 (Record of Meetings)
Minn. Stat. § 331A.01 (Definition)
Minn. Stat. § 331A.05, Subd. 8 (Notice Regarding Published Summaries)
Minn. Stat. § 331A.08, Subd. 3 (Publication of Proceedings)
Op. Atty. Gen. 161-a-20 (Dec. 17, 1970)

Ketterer v. Independent School District No. 1, 248 Minn. 212, 79 N.W.2d 428 (1956)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties

Adopted: _____

MSBA/MASA Model Policy 204

Orig. 1995

Revised: _____

Rev. 202208

204 SCHOOL BOARD MEETING MINUTES

[Note: The provisions of this policy are required by statute.]

I. PURPOSE

The purpose of this policy is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

III. MAINTENANCE OF MINUTES AND RECORDS

- A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded in a journal kept for that purpose. Public records maintained by the school district shall be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.
- B. Recordings of Closed Meetings
 - 1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the school district. Recordings of closed meetings shall be made separately from the recordings of an open meeting, to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.
 - 2. Recordings of closed meetings shall be preserved by the school district for the following time periods:
 - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.
 - b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
 - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
 - d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.

- e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the school district's Records Retention Schedule.
- 3. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
 - a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
 - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
 - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
- 4. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
- 5. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
 - a. The date of the closed meeting;
 - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
 - c. The classification of the data.
- 6. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.3. above.

IV. PUBLICATION OF OFFICIAL PROCEEDINGS

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty (30) days, the school board need not publish the minutes until ten (10) days after they have been approved by the school board.
- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions offered including a brief description of their subject matter and whether adopted or defeated.

The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.

- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

Legal References: Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)
Minn. Stat. § 123B.09, Subd. 10 (~~Boards of Independent School Districts~~
~~Publishing Proceedings~~)
Minn. Stat. § 123B.14, Subd. 7 (~~Officers of Independent School Districts~~~~Record~~
~~of Meetings~~)
Minn. Stat. § 331A.01 (Definition)
Minn. Stat. § 331A.05, Subd. 8 (~~Form of Public Notices~~~~Notice Regarding~~
~~Published Summaries~~)
Minn. Stat. § 331A.08, Subd. 3 (~~Computation of Time~~~~Publication of~~
~~Proceedings~~)
Op. Atty. Gen. 161-a-20 (Dec. 17, 1970)
Ketterer v. Independent School District No. 1, 248 Minn. 212, 79 N.W.2d 428
(1956)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
MSBA Service Manual, Chapter 1, School District Governance, Powers and
Duties

Adopted: _____

MSBA/MASA Model Policy 205

Orig. 1995

Revised: _____

Rev. 2017

205 OPEN MEETINGS AND CLOSED MEETINGS

[Note: The provisions of this policy accurately reflect the Open Meeting Law statute and are not discretionary in nature.]

I. PURPOSE

- A. The school board embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individuals as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at school board meetings, while also protecting the individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

II. GENERAL STATEMENT OF POLICY

- A. Except as otherwise expressly provided by statute, all meetings of the school board, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

III. DEFINITION

“Meeting” means a gathering of at least a quorum or more members of the school board, or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the general public. For purposes of the Open Meeting Law, social media does not include e-mail.

IV. PROCEDURES

- A. Meetings

1. Regular Meetings

A schedule of the regular meetings of the school board shall be kept on file at its primary offices. If the school board decides to hold a regular meeting at a time or place different from the time or place stated in its schedule, it shall give the same notice of the meeting as for a special meeting.

2. Special Meetings

- a. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings.
- c. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the school board is required to send notice to that person only concerning those particular subjects.
- e. The school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than 60 days before the expiration date of request for notice, the school board shall send notice of the refiling requirement to each person who filed during the preceding year.

3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the school board, require immediate consideration.

[Note: While the statute leaves the question to the board of whether the

circumstances require immediate consideration at an emergency meeting, the advisory opinions of the Commissioner of Administration would limit such meetings to responding to natural disasters or health epidemics caused by an event such as an accident or terrorist attack.]

- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- c. The school board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
- e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.
- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice

If a person receives actual notice of a meeting of the school board at least 24 hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

7. Health Pandemic or Declared Emergency

In the event of a health pandemic or an emergency declared under Minn. Stat. Ch. 12, a meeting may be conducted by telephone or other electronic means in compliance with Minn. Stat. § 13D.021.

8. Meetings Conducted by Interactive Technology

A meeting may be conducted by interactive technology, Skype, or other similar electronic means in compliance with Minn. Stat. § 13D.02.

B. Votes

The votes of school board members shall be recorded in a journal kept for that purpose, and the journal shall be available to the public during all normal business hours at the administrative offices of the school district.

C. Written Materials

1. In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items prepared or distributed by the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public while the school board considers their subject matter.
2. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Data

1. Meetings may not be closed merely because the data to be discussed are not public data.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the school board's authority and is reasonably necessary to conduct the business or agenda item before the school board.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations Strategy

- a. The school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor

negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.

- b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the school board for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation sessions, and hearings between the school board and its employees or their respective representatives are public meetings. These meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

3. Preliminary Consideration of Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

4. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

5. Attorney-Client Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the school board needs advice above the level of general legal advice, i.e., regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

6. Dismissal Hearing

- a. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.
- c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches; Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within 14 days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the school board must give the coach the reasons in writing within 10 days of receiving the request.
- c. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic data.

- e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. Meetings to Discuss Certain Not Public Data

Any portion of a meeting must be closed if the following types of data are discussed:

- a. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
- b. active investigative data collected or created by a law enforcement agency;
- c. educational data, health data, medical data, welfare data, or mental health data that are not public data; or
- d. an individual's personal medical records.
- e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

9. Purchase and Sale of Property

- a. The school board may close a meeting:
 - (1) to determine the asking price for real or personal property to be sold by the school district;
 - (2) to review confidential or nonpublic appraisal data; and
 - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- b. Before closing the meeting, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been

purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.

- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the school board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The school board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open meeting. A school board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the school board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

- Legal References:**
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 - Minn. Stat. Ch. 13D (Open Meeting Law)
 - Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)
 - Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)
 - Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)
 - Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)
 - Minn. Rules Part 5510.2810 (Bureau of Mediation Services)
 - Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. App. 2006)
 - Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005)
 - The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004)
 - Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002)
 - Star Tribune v. Board of Education, Special School District No. 1*, 507 N.W.2d 869 (Minn. App. 1993)
 - Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988)
 - Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983)
 - Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied*. (Minn. 1993)
 - Dept. of Admin. Advisory Op. No. 19-008 (May 22, 2019)
 - Dept. of Admin. Advisory Op. No. 19-006 (April 9, 2019)
 - Dept. of Admin. Advisory Op. No. 18-019 (December 28, 2018)
 - Dept. of Admin. Advisory Op. No. 17-005 (June 22, 2017)
 - Dept. of Admin. Advisory Op. No. 13-009 (March 19, 2013)
 - Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)
 - Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)
 - Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)
 - Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)
 - Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)
 - Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)
 - Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)
- Cross References:**
- MSBA/MASA Model Policy 204 (School Board Meeting Minutes)
 - 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 207 (Public Hearings)
 - MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
 - MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
 - MSBA Service Manual, Chapter 13, School Law Bulletin “C” (Minnesota’s Open Meeting Law)

Adopted: _____

MSBA/MASA Model Policy 205

Orig. 1995

Revised: _____

Rev. 202217

205 OPEN MEETINGS AND CLOSED MEETINGS

[Note: The provisions of this policy accurately reflect ~~the~~ Minnesota's Open Meeting Law statutes and are not discretionary in nature.]

I. PURPOSE

- A. The school board embraces ~~the philosophy of openness accountability and transparency~~ in the conduct of its business, in the belief that openness produces better programs, more efficient ~~cy in~~ administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individuals as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at school board meetings, while also protecting ~~the an~~ individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

II. GENERAL STATEMENT OF POLICY

- A. Except as otherwise expressly provided by statute, all meetings of the school board, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

III. DEFINITION

"Meeting" means a gathering of at least a quorum ~~or more of school board~~ members ~~of the school board~~, or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the general public. For purposes of the Open Meeting Law, social media does not include e-mail.

IV. PROCEDURES

- A. Meetings
 - 1. Regular Meetings

A schedule of the regular meetings of the school board shall be kept on file at ~~its primary the school district~~ offices. If the school board decides to hold a regular meeting at a time or place different from the time or place stated in its ~~regular meeting~~ schedule, it shall give the same notice of the meeting as for a

special meeting.

2. Special Meetings

- a. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.
- c. ~~This notice shall be posted and mailed or delivered at least three days before the date of the meeting.~~ As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the school board is required to send notice to that person only concerning those particular subjects.
- e. The school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than sixty (60) days before the expiration date of request for notice, the school board shall send notice of the refiling requirement to each person who filed during the preceding year.

3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the school board's judgment ~~of the school board,~~ require immediate consideration.

[Note: While the statute leaves the question to the board of whether the circumstances require immediate consideration at an emergency meeting, ~~the~~ advisory opinions of the Minnesota Commissioner of Administration would limit such meetings to responding to natural disasters or health epidemics caused by an event such as an accident or terrorist attack.]

- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- c. The school board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.

- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
- e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.
- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice

If a person receives actual notice of a meeting of the school board at least twenty-four (24) hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

7. Health Meetings during Pandemic or ~~Declared Chapter 12~~ Emergency

In the event of a health pandemic or an emergency declared under ~~Minn. Stat. Ch. Minnesota Statutes chapter~~ 12, a meeting may be conducted by telephone or ~~other electronic~~interactive technology means in compliance with ~~Minn. Stat. § Minnesota Statutes section~~ 13D.021.

8. Meetings ~~Conducted~~ by Interactive Technology

A meeting may be conducted by interactive technology, Zoom, Skype, or other similar electronic means in compliance with Minnesota Statutes section~~Minn. Stat. §~~ 13D.02.

B. Votes

The votes of school board members shall be recorded in a journal or minutes kept for that purpose~~, and the~~ journal or any minutes used to record votes of a meeting shall be available must be open to the public during all normal business hours at the school district's administrative offices ~~of the school district~~.

C. Written Materials

1. In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items of the meeting prepared or distributed by or at the direction of the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public while the school board considers their subject matter.
2. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Open Meetings and Data

1. Meetings may not be closed ~~merely because the to discuss data to be that discussed~~ are not public data, except as provided under Minnesota law.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the school board's authority and is reasonably necessary to conduct the business or agenda item before the school board.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations Strategy

- a. The school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to Minnesota's Public Employment Labor Relations Act (PELRA).
- b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the school board for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation ~~sessions~~ meetings, and hearings between the school board and its employees or their respective representatives are public meetings. These Mediation meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

3. Preliminary Consideration of Allegations or Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

4. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

5. Attorney-Client Privilege Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the school board needs advice above the level of general legal advice, for example, i.e., regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

6. Dismissal Hearing

- a. A hearing on ~~the~~ dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent, or guardian requests an open hearing.
- c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches; Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a

licensed or nonlicensed head varsity coach, it must notify the coach within fourteen (14) days of that decision.

- b. If the coach requests the reasons for the nonrenewal, the school board must give the coach ~~the its~~ reasons in writing within ten (10) days of receiving the request. The existence of parent complaints must not be the sole reason for the school board not to renew a coaching contract.
- c. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by ~~Minn. Stat. §~~Minnesota Statutes section 13D.05, ~~Subd. 2,~~ to discuss educational or certain other nonpublic data.
- e. A ~~closed~~ meeting closed for this purpose must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. Meetings to Discuss Certain Not Public Data

- ~~a.~~ Any portion of a meeting must be closed if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

- ~~b.~~ (2) active investigative data collected or created by a law enforcement agency;

- ~~c.~~ (3) educational data, health data, medical data, welfare data, or mental health data that are not public data; or

- ~~d.~~ (4) an individual's personal medical records.

- ~~be.~~ A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

9. Purchase and Sale of Property

- a. The school board may close a meeting:
 - (1) to determine the asking price for real or personal property to be sold by the school district;
 - (2) to review confidential or nonpublic appraisal data; and
 - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

- b. Before closing the meeting, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the school board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The school board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open meeting. A school board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the school board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

Minn. Stat. Ch. 13D (Open Meeting Law)
 Minn. Stat. § 121A.47, Subd. 5 (~~Exclusion and Expulsion Procedures~~~~Student Dismissal Hearing~~)
 Minn. Stat. § 122A.33, Subd. 3 (~~License and Degree Exemption for Head Coach~~~~Coaches; Opportunity to Respond~~)
 Minn. Stat. § 122A.40, Subd. 14 (~~Employment; Contracts; Termination~~~~Teacher Discharge Hearing~~)
 Minn. Stat. § 179A.14, Subd. 3 (~~Negotiation Procedures~~~~Labor Negotiations~~)
 Minn. Rules Part 5510.2810 (~~Petition for Mediation~~~~Bureau of Mediation Services~~)
Brown v. Cannon Falls Township, 723 N.W.2d 31 (Minn. App. 2006)
Brainerd Daily Dispatch v. Dehen, 693 N.W.2d 435 (Minn. App. 2005)
The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. App. 2004)
Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002)
Star Tribune v. Board of Education, Special School District No. 1, 507 N.W.2d 869 (Minn. App. 1993)
Minnesota Daily v. University of Minnesota, 432 N.W.2d 189 (Minn. App. 1988)
Moberg v. Independent School District No. 281, 336 N.W.2d 510 (Minn. 1983)
Sovereign v. Dunn, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied.* (Minn. 1993)
[Dept. of Admin. Advisory Op. No. 21-003 \(April 19, 2021\)](#)
[Dept. of Admin. Advisory Op. No. 21-002 \(January 13, 2021\)](#)
[Dept. of Admin. Advisory Op. No. 19-012 \(October 24, 2019\)](#)
 Dept. of Admin. Advisory Op. No. 19-008 (May 22, 2019)
 Dept. of Admin. Advisory Op. No. 19-006 (April 9, 2019)
 Dept. of Admin. Advisory Op. No. 18-019 (December 28, 2018)
 Dept. of Admin. Advisory Op. No. 17-005 (June 22, 2017)
 Dept. of Admin. Advisory Op. No. 13-009 (March 19, 2013)
 Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)
 Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)
 Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)
 Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)
 Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)
 Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)
 Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

Cross References:

MSBA/MASA Model Policy 204 (School Board Meeting Minutes)
 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 207 (Public Hearings)
 MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
~~MSBA Service Manual, Chapter 13, School~~ Law Bulletin "C" (Minnesota's Open Meeting Law)

Adopted: _____

MSBA/MASA Model Policy 210

Orig. 1995

Revised: _____

Rev. 2008

210 CONFLICT OF INTEREST – SCHOOL BOARD MEMBERS

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

I. PURPOSE

The purpose of this policy is to observe state statutes regarding conflicts of interest and to engage in school district business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school board to contract for goods and services in conformance with statutory conflict of interest laws and in a manner that will avoid any conflict of interest or the appearance thereof. Accordingly, the school board will contract under the statutory exception provisions only when it is clearly in the best interest of the school district because of limitations that may exist on goods or services otherwise available to the school district.

III. GENERAL PROHIBITIONS AND RECOGNIZED STATUTORY EXCEPTIONS

- A. A school board member who is authorized to take part in any manner in making any sale, lease, or contract in his or her official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom.
- B. In the following circumstances, however, the school board may as an exception, by unanimous vote, contract for goods or services with a school board member of the school district:
 - 1. In the designation of a bank or savings association, in which a school board member is interested, as an authorized depository for school district funds and as a source of borrowing, provided such deposited funds are protected in accordance with Minn. Stat. Ch. 118A. Any school board member having said interest shall disclose that interest and the interest shall be entered upon the minutes of the school board. Disclosure must be made when such bank or savings association is first designated as a depository or source of borrowing, or when such school board member is elected, whichever is later. Disclosure serves as notice of the interest and must only be made once;
 - 2. The designation of an official newspaper, or publication of official matters therein, in which the school board member is interested when it is the only

newspaper complying with statutory requirements relating to the designation or publication;

3. A contract with a cooperative association of which the school board member is a shareholder or stockholder but not an officer or manager;
4. A contract for which competitive bids are not required by law. A contract made under this exception will be void unless the following procedures are observed:
 - a. The school board must authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the goods or services could be obtained elsewhere.
 - b. In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated.
 - c. Before a claim is paid, the interested school board member must file with the clerk of the school board an affidavit stating:
 - (1) The name of the school board member and the office held;
 - (2) An itemization of the goods or services furnished;
 - (3) The contract price;
 - (4) The reasonable value;
 - (5) The interest of the school board member in the contract; and
 - (6) That to the best of the school board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.
5. A school board member may contract with the school district to provide construction materials or services, or both, when the sealed bid process is used. When the contract comes before the school board for consideration, the interested school board member may not vote on the contract. (*Note: This section applies only where the school district has a population of 1,000 or less according to the last federal census.*)
6. A school board member may rent space in a public facility at a rate

commensurate with that paid by other members of the public.

- C. In the following circumstances, the school board may as an exception, by majority vote at a meeting where all school board members are present, contract for services with a school board member of the school district: A school board member may be newly employed or may continue to be employed by the school district as an employee where there is a reasonable expectation on July 1, or at the time the contract is entered into or extended, that the amount to be earned by that school board member under that contract or employment relationship, will not exceed \$8,000 in that fiscal year. If the school board member does not receive majority approval to be initially employed or to continue in employment at a meeting where all school board members are present, that employment must be immediately terminated and that school board member will have no further rights to employment while serving as a school board member in the school district.
- D. The school board may contract with a class of school district employees, such as teachers or custodians, where the spouse of a school board member is a member of the class of employees contracting with the school board and the employee spouse receives no special monetary or other benefit that is substantially different from the benefits that other members of the class receive under the employment contract. In order for the school board to invoke this exception, it must have a majority of disinterested school board members vote to approve the contract, direct the school board member spouse to abstain from voting to approve the contract, and publicly set out the essential facts of the contract at the meeting where the contract is approved.

IV. LIMITATIONS ON RELATED EMPLOYEES

- A. The school board can hire or dismiss teachers only at duly called meetings. Where a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher may be made or authorized except upon the unanimous vote of the full school board.
- B. The school board may not employ any teacher related by blood or marriage to a school board member, within the fourth degree as computed by the civil law, except by a unanimous vote of the full school board.

V. CONFLICTS PRIOR TO TAKING OFFICE

A school board member with personal financial interest in a sale, lease, or contract with the school district which was entered before the school board member took office and presents an actual or potential conflict of interest, shall immediately notify the school board of such interest. It shall thereafter be the responsibility of the school board member to refrain from participating in any action relating to the sale, lease, or contract. At the time of renewal of any such sale, lease, or contract, the school board may enter into or renew such sale, lease, or contract only if it falls within one of the enumerated exceptions for contracts relating to goods or services provided above and if the procedures provided in this policy are followed.

VI. DETERMINATION AS TO WHETHER A CONFLICT OF INTEREST EXISTS

The determination as to whether a conflict of interest exists is to be made by the school board. Any school board member who has an actual or potential conflict shall notify the school board of such conflict immediately. The school board member shall thereafter cooperate with the school board as necessary for the school board to make its determination.

Legal References: Minn. Stat. § 122A.40, Subd. 3 (Teacher Hiring, Dismissal)
Minn. Stat. § 123B.195 (Board Member's Right to Employment)
Minn. Stat. § 471.87 (Public Officers; Interest in Contract; Penalty)
Minn. Stat. § 471.88, Subds. 2, 3, 4, 5, 12, 13, and 21 (Exceptions)
Minn. Stat. § 471.89 (Contract, When Void)
Op. Atty. Gen. 90-A (Aug. 14, 1957)
Op. Atty. Gen. 90-C-5 (July 30, 1940)
Op. Atty. Gen. 437-A-4 (March 15, 1935)

Cross References: MSBA/MASA Model Policy 101 (Legal Status of the School Board)
MSBA/MASA Model Policy 209 (Code of Ethics)
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties

Adopted: _____

MSBA/MASA Model Policy 210

Orig. 1995

Revised: _____

Rev. 202208

210 CONFLICT OF INTEREST – SCHOOL BOARD MEMBERS

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

I. PURPOSE

The purpose of this policy is to observe state statutes regarding conflicts of interest and to engage in school district business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school board to contract for goods and services in conformance with statutory conflict of interest laws and in a manner that will avoid any conflict of interest or the appearance thereof. Accordingly, the school board will contract under the statutory exception provisions only when it is clearly in the best interest of the school district because of limitations that may exist on goods or services otherwise available to the school district.

III. GENERAL PROHIBITIONS AND RECOGNIZED STATUTORY EXCEPTIONS

- A. A school board member who is authorized to take part in any manner in making any sale, lease, or contract in his or her official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom.
- B. In the following circumstances, however, the school board may as an exception, by unanimous vote, contract for goods or services with a school board member of the school district:
 - 1. In the designation of a bank or savings association, in which a school board member is interested, as an authorized depository for school district funds and as a source of borrowing, provided such deposited funds are protected in accordance with ~~Minn. Stat. Ch. Minnesota Statutes~~ chapter 118A. Any school board member having said interest shall disclose that interest and the interest shall be entered upon the school board minutes ~~of the school board~~. Disclosure ~~must~~ shall be made when such bank or savings association is first designated as a depository or source of borrowing, or when such school board member is elected, whichever is later. Disclosure serves as notice of the interest and ~~must~~ need only be made once;
 - 2. The designation of an official newspaper, or publication of official matters therein, in which the school board member is interested when it is the only newspaper complying with statutory requirements relating to the designation or publication;
 - 3. A contract with a cooperative association of which the school board member is a shareholder or stockholder but not an officer or manager;
 - 4. A contract for which competitive bids are not required by law. A contract made under this exception will be void unless the following procedures are observed:

- a. The school board ~~must-shall~~ authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the goods or services could be obtained elsewhere.
 - b. In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated.
 - c. Before a claim is paid, the interested school board member ~~shall must~~ file with the clerk of the school board an affidavit stating:
 - (1) The name of the school board member and the office held;
 - (2) An itemization of the goods or services furnished;
 - (3) The contract price;
 - (4) The reasonable value;
 - (5) The interest of the school board member in the contract; and
 - (6) That to the best of the school board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.
5. A school board member may contract with the school district to provide construction materials or services, or both, when the sealed bid process is used. When the contract comes before the school board for consideration, the interested school board member may not vote on the contract. (**Note:** *This section applies only when~~re~~ the school district has a population of 1,000 or less according to the last federal census.*)
6. A school board member may rent space in a public facility at a rate commensurate with that paid by other members of the public.
- C. In the following circumstances, the school board may as an exception, by majority vote at a meeting ~~where-at which~~ all school board members are present, contract for services with a school board member of the school district: A school board member may be newly employed or may continue to be employed by the school district as an employee ~~where~~ only if there is a reasonable expectation on July 1, or at the time the contract is entered into or extended, that the amount to be earned by that school board member under that contract or employment relationship, will not exceed \$~~208~~,000 in that fiscal year. If the school board member does not receive majority approval to be initially employed or to continue in employment at a meeting ~~where-at which~~ all school board members are present, that employment ~~must-beis~~ immediately terminated and that school board member ~~will-have has~~ no further rights to employment while serving as a school board member in the school district.
- [Note: The \$8,000 figure increased to \$20,000 effective July 1, 2022]**
- D. The school board may contract with a class of school district employees, such as teachers or custodians, ~~where-when~~ the spouse of a school board member is a member

of the class of employees contracting with the school board and the employee spouse receives no special monetary or other benefit that is substantially different from the benefits that other members of the class receive under the employment contract. ~~In order for~~ For the school board to invoke this exception, it must have a majority of disinterested school board members vote to approve the contract, direct the school board member spouse to abstain from voting to approve the contract, and publicly set out the essential facts of the contract at the meeting ~~where-in which~~ the contract is approved.

IV. LIMITATIONS ON RELATED EMPLOYEES

- A. The school board ~~can-must~~ hire or dismiss teachers only at duly called meetings. ~~Where~~ When a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher may be made or authorized except upon the unanimous vote of the full school board.
- B. The school board may not employ any teacher related by blood or marriage to a school board member, within the fourth degree as computed by the civil law, except by a unanimous vote of the full school board.

V. CONFLICTS PRIOR TO TAKING OFFICE

A school board member with personal financial interest in a sale, lease, or contract with the school district which was entered before the school board member took office and presents an actual or potential conflict of interest, shall immediately notify the school board of such interest. It shall thereafter be the responsibility of the school board member to refrain from participating in any action relating to the sale, lease, or contract. At the time of renewal of any such sale, lease, or contract, the school board may enter into or renew such sale, lease, or contract only if it falls within one of the enumerated exceptions for contracts relating to goods or services provided above and if the procedures provided in this policy are followed.

VI. DETERMINATION AS TO WHETHER A CONFLICT OF INTEREST EXISTS

The determination as to whether a conflict of interest exists is to be made by the school board. Any school board member who has an actual or potential conflict shall notify the school board of such conflict immediately. The school board member shall thereafter cooperate with the school board as necessary for the school board to make its determination.

Legal References: Minn. Stat. § 122A.40, Subd. 3 (~~Employment; Contracts; Termination~~)Teacher Hiring, Dismissal)

Minn. Stat. § 123B.195 (Board Member's Right to Employment)

Minn. Stat. § 471.87 (Public Officers~~s~~; Interest in Contract; Penalty)

Minn. Stat. § 471.88, Subds. 2, 3, 4, 5, 12, 13, and 21 (Exceptions)

Minn. Stat. § 471.89 (Contract, When Void)

Op. Atty. Gen. 437-A-4, March 15, 1935

Op. Atty. Gen. 90-C-5, July 30, 1940

Op. Atty. Gen. 90-A, August 14, 1957

Cross References: MSBA/MASA Model Policy 101 (Legal Status of the School Board)

MSBA/MASA Model Policy 209 (Code of Ethics)

~~MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties~~

Adopted: _____

MSBA/MASA Model Policy 404

Orig. 1995

Revised: _____

Rev. 2018

404 EMPLOYMENT BACKGROUND CHECKS

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. PROCEDURES

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check.

The school district may conditionally hire an applicant or allow an individual to provide services pending completion of the background check but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minn. Stat. § 13.87. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

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

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

- C. The school district, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
 3. the individual executes a written consent form giving the school district access to the results of the check; and

4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all nonstate residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, the school district shall request a criminal history background check on such individuals from the superintendent of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district. Such individuals must provide an executed criminal history consent form.
- F. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- J. The school district may apply these procedures to other volunteers, independent contractors, or student employees.
- K. At the beginning of each school year or when a student enrolls, the school district will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the school district's discretion in requiring a background check. The school district may include this notice in its student handbook, a school policy guide, or other similar communication. A form notice for this purpose is included with this policy.

IV. CRIMINAL HISTORY CONSENT FORM

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

policy.

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

Cross References:

Adopted: _____

MSBA/MASA Model Policy 404

Orig. 1995

Revised: _____

Rev. 2018-2022

404 EMPLOYMENT BACKGROUND CHECKS

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. PROCEDURES

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

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

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

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

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

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

IV. CRIMINAL HISTORY CONSENT FORM

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

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

Cross References: None

Sample 123B.03 Informed Consent
School District Name and Number
Street Address
City, State and Zip Code
Contact Person
Phone

☐ **We are requesting a federal check pursuant to Minnesota Statutes 299C.62 on this individual as well.**

(Contributor, please check this box if requesting a federal check and attach fingerprint card, the Child Protection Background Check Consent form, and appropriate fee. Please note that the federal check will take one to two weeks to complete.)

The following named individual has made application with this agency for employment:

Last Name of Applicant (please print): _____

First Name (please print): _____

Middle (full) (please print): _____

Maiden, Alias or Former (please print): _____

Date of Birth (Month/Day/Year): _____ **Sex** (M or F): _____

I authorize the Minnesota Bureau of Criminal Apprehension to disclose criminal history record information to (School or District) pursuant to Minnesota Statutes 123B.03, subdivision 1 for the purpose of employment as a (teacher, bus driver, etc.) with this School District.

Signature of Applicant or Potential Service Provider: _____

Date: _____

This release is valid for one year from the date of my signature

Subscribed and sworn to before me
this _____ day of _____, 20____.

Notary Public

1. Records obtained under the Minnesota State Statute 123B.03, subdivision 1, may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.
2. Your fingerprints may be used to check the criminal history records of the FBI.
3. You may challenge the accuracy and completeness of any information contained in the report provided (procedures are set forth in Minnesota Statutes §13.04 and Title 28 CFR Section 16.34).
4. You have the right to request and obtain from the school hiring authority a copy of the background check report. A school hiring authority may charge the individual for the actual cost of providing a copy of the report.

The School District should forward this executed form, along with a check or money order in the amount of \$15.00 payable to the "MN BCA" and a self-addressed, stamped envelope, to:

*Minnesota Bureau of Criminal Apprehension
CHA Unit
1430 Maryland Avenue E.
St. Paul, MN 55106*

Adopted: _____

MSBA/MASA Model Policy 405

Orig. 1995

Revised: _____

Rev. 2016

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. The school district's policy is to use a 100-point hiring system to enable allocation of veteran's preference points. The school district may or may not use a 100-point hiring system for filling teaching positions. If a 100-point hiring system is not used for filling a teaching position, preference points will not be added, but all veteran applicants who have proper licensure 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 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)

Adopted: _____

MSBA/MASA Model Policy 405

Revised: _____

Orig. 1995

Rev. ~~2012~~ 2016

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. The school district's policy is to use a 100-point hiring system to enable allocation of veteran's preference points. The school district may or may not use a 100-point hiring system for filling teaching positions. If a 100-point hiring system is not used for filling a teaching position, preference points will not be added, but all veteran applicants who have proper licensure 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 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 Minnesota Statutes section 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)

Adopted: _____

MSBA/MASA Model Policy 407

Orig. 1995

Revised: _____

Rev. 2012

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)

Adopted: _____

MSBA/MASA Model Policy 407

Orig. 1995

Revised: _____

Rev. 2008 2012

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 Minnesota Statutes section. 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

~~It is the~~ 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, ~~or~~ infectious agent, or blood borne pathogen.

III. DEFINITIONS

- A. "Commissioner" means the Minnesota 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 pathogens" means a pathogenic microorganisms that are is present in human blood and can cause disease in humans. ~~These pathogens~~ This definition includes, but are is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

IV. TARGET JOB CATEGORIES

~~Training~~ Annual training will be provided to all full- and part-time employees who are "routinely exposed" to a hazardous substance, harmful physical agent, ~~or~~ infectious ~~substance 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 (Occupational Safety and Health Standards)
Minn. Rules Ch. 5206 (Hazardous Substances; 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 \(Health and Safety Policy\)](#)

Adopted: _____

MSBA/MASA Model Policy 414

Orig. 1995

Revised: _____

Rev. 2019

414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Child Protection) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.

- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- E. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:
1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health care, medical care, or other care required for the child’s physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
 2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so;
 3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
 4. failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide his or her child with sympathomimetic medications;
 5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, or medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
 6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 6, Clause (5);
 7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child’s basic needs and safety; or
 8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child’s behavior, emotional response, or cognition that is not within the normal range for the child’s age and stage of development, with due regard to the child’s culture.

Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child’s care in good faith has selected and

depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

- F. "Nonmaltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.
- G. "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 125A.0942 or § 245.825.

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

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

- H. "Report" means any communication received by the local welfare agency, police

department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.

- I. “School personnel” means professional employee or professional’s delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.
- J. “Sexual abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a current or recent position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- K. “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.
- L. “Person responsible for the child’s care” means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- M. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years, to the local welfare agency, police department, county sheriff, tribal social services, or tribal police department. The reporter will include his or her name and address in the report.
- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

[Note: The Minnesota Department of Education (MDE) is responsible for assessing or

investigating allegations of child maltreatment in schools. Although a report may be made to any of the agencies listed in Section IV. A., above, and there is no requirement to file more than one report, if the initial report is not made to MDE, it would be helpful to MDE if schools also report to MDE.]

V. INVESTIGATION

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

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

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

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

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

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

VIII. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
Minn. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)

Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
Minn. Stat. § 609.379 (Reasonable Force)
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

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

Adopted: _____

MSBA/MASA Model Policy 414

Orig. 1995

Revised: _____

Rev. 202219

414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minnesota Statutes chapter- 260E§ 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event ~~which~~that:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. "Child" means one under age 18 and, for purposes of Minnesota Statutes chapter 260C (Juvenile Safety and Placement) Child Protection and Minnesota Statutes chapter 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minnesota Statutes chapter 260C.451 (Foster Care Benefits Past Age 18).
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Mandated reporter" means any school personnel who knows or has reason to believe a child is being ~~neglected or physically or sexually abused~~maltreated, or has been ~~neglected or physically or sexually abused~~ maltreated within the preceding three years.
- E. "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

FE. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:

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

Neglect does not occur solely because the child’s parent, guardian, or other person responsible for the child’s care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care. ~~does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child’s care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child’s health.~~

GF. “Nonmaltreatment mistake” means occurs when: (1) at the time of the incident, the individual was performing duties identified in the center’s child care program plan

required under [Minnesota Rules part 9503.0045](#); (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under [Minnesota Rules chapter 9503](#).

H. [“Person responsible for the child’s care” means \(1\) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or \(2\) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.](#)

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

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

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

JH. “Report” means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes ~~neglect or physical or sexual abuse~~ [maltreatment](#) of a child and contains sufficient content to identify the child and any person believed to be responsible

for the ~~maltreatment, neglect or abuse~~, if known.

- ~~KI.~~ "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.
- ~~LJ.~~ "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minnesota Statutes section Minn. Stat. § 609.341, subdivision Subd. 15), or by a person in a current or recent position of authority (as defined in Minnesota Statutes section Minn. Stat. § 609.341, subdivision Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor ~~which that~~ constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation ~~which that~~ requires registration under Minnesota Statutes section 243.166, subdivision Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- ~~M.~~ "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; (4) , or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative.
- ~~K.~~ "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- ~~L.~~ "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- ~~M.~~ "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

IV. REPORTING PROCEDURES

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

[Note: The Minnesota Department of Education (MDE) is responsible for assessing or investigating allegations of child maltreatment in schools. Although a report may be made to any of the agencies listed in Section IV. A., above, and there is no requirement to file more

than one report, if the initial report is not made to MDE, it would be helpful to MDE if schools also report to MDE.]

V. INVESTIGATION

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

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials

prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.

- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

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

VIII. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
Minn. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)
Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
Minn. Stat. § 609.379 (Reasonable Force)
~~Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)~~
~~Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)~~
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

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

**Confidential Student Maltreatment
Reporting Form**

Date Submitted: _____

MDE File #: _____ (MDE staff use only)

REPORTER (name of person completing form) Reporter is confidential under Minnesota Statutes, section 626.556.

Name: _____ Title: _____ Phone: _____ Mandated Reporter: Yes ___ No ___

Address: _____ City: _____ State: _____ Zip: _____

SCHOOL INFORMATION

ISD #: _____ School District: _____ Program Name: _____

School Name: _____ Address: _____ City: _____ Zip: _____

Principal/Director: _____ Phone: _____

(Ext): _____

Transportation Company (if necessary): Contact: _____ Phone: _____

ALLEGED VICTIM (Complete one reporting form for each alleged victim)

Name: _____ Address: _____ City: _____ State: _____ Zip: _____

Parent/Guardian: _____ Phone: _____ Alternate Phone: _____

Gender: Male ___ Female ___ DOB: _____ Grade: _____ Ethnicity: _____

Special Education: Yes ___ No ___ Disability Description: _____ State Student ID: _____

ALLEGED OFFENDER

Name: _____ Position: _____ DOB: _____ Gender: Male ___ Female ___

Address: _____ City: _____ State: _____ Zip: _____

Ethnicity: _____ Phone: _____ Alternate Phone: _____

Licensed: Yes ___ No ___ If licensed, name of licensing board: _____ Folder #: _____

INCIDENT

Date: _____ Time: _____ Location (i.e. - bus, classroom): _____

Address (if different than school): _____ County: _____

Witness Contact Information: _____

Police Notified: Yes ___ No ___ Police Department: _____

Police Contact: _____ Phone: _____ Case No.: _____

Alleged Maltreatment: Physical Abuse _____ Sexual Abuse _____ Neglect _____ Unknown _____ **Injury:** Yes _____ No _____ Unknown _____

Description of Incident and Injury: (please attach additional page if needed).

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

June 2016



Confidential Student Maltreatment Reporting Form

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

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

Name: _____ Title: _____ Phone: _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Mandated Reporter: ☐ Yes ☐ No

SCHOOL INFORMATION (Current Enrollment Location of Alleged Victim)

ISD#: _____ School District: _____ School/ Program Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Principal/Director: _____ Phone: _____

Email: _____

Transportation Company Contact: _____ Phone: _____

Email: _____

ALLEGED VICTIM

Name: _____ Address: _____ City: _____ State: _____ Zip: _____

Male ☐ Female ☐ DOB: _____ Grade: _____ Race/Ethnicity: _____

Receives Special Education Services: ☐ Yes ☐ No Primary Disability Category: _____

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

Alleged Victim Phone: _____ Alleged Victim Email: _____

Alleged Victim has a legal guardian: ☐ Yes ☐ No

Parent/Guardian 1: _____ Phone: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Parent/Guardian 2: _____ Phone: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

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

ALLEGED OFFENDERName: _____ Position: _____ DOB: _____ Male ☐ Female ☐

Home Address: _____ City: _____ State: _____ Zip: _____

Email: _____

Race/Ethnicity: _____ Phone: _____ Alternate Phone: _____

Licensed: ☐ Yes ☐ No

If licensed, name of licensing board(s): _____ License/Folder # _____

INCIDENT

Date: _____ Time: _____ Setting (i.e. Bus, Classroom): _____

Location and Address (if different than enrolled school): _____

Witness _____ Phone: _____

Witness _____ Phone: _____

Police Notified: ☐ Yes ☐ No Police Department: _____

Police Contact: _____ Phone: _____ Case #: _____

Alleged Maltreatment: Physical Abuse ☐ Sexual Abuse ☐ Neglect ☐ Unknown ☐Injury: ☐ Yes ☐ No**Description of Incident and Injury:** (please attach additional documentation, if needed)

Adopted: _____

MSBA/MASA Model Policy 415

Orig. 1995

Revised: _____

Rev. 2015

415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

- A. “Mandated Reporters” means any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.
- B. “Maltreatment” means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. “Neglect” means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult’s health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.

- D. “Abuse” means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult’s will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.
- E. “Financial Exploitation” means a breach of a fiduciary duty by an actor’s unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor’s failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult’s funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult’s will for the profit or advantage of another.
- F. “Vulnerable Adult” means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minn. Stat. Ch. 245A, except as excluded under Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical,

mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.

- G. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- H. "School Personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- I. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

IV. REPORTING PROCEDURES

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

- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

V. INVESTIGATION

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

VI. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
Minn. Stat. §§ 609.221-609.224 (Assault)
Minn. Stat. § 609.234 (Crimes Against the Person)
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Stat. § 626.5572 (Definitions)
In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

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

Adopted: _____

MSBA/MASA Model Policy 415

Orig. 1995

Revised: _____

Rev. 201522

415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

A. "Abuse" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. REPORTING PROCEDURES

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

V. INVESTIGATION

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

VI. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. § 13.02 (~~Government Data Practices; Collection, Security, and Dissemination of Records;~~ Definitions)
Minn. Stat. Ch. 245A (Human Services Licensing)
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
Minn. Stat. §§ 609.221-609.224 (Assault)
Minn. Stat. § 609.2~~32~~ 34 (~~Crimes Against Vulnerable Persons~~Adults; Definitions)
~~Crimes Against the Person~~
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Stat. § 626.5572 (Definitions)
In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

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

Adopted: _____

MSBA/MASA Model Policy 416

Orig. 1995

Revised: _____

Rev. 2015

416 DRUG AND ALCOHOL TESTING

[Note: Drug and Alcohol Testing of school bus drivers and applicants is mandatory under federal law. The mandatory testing is described under Part III. of the policy. Testing of other employees or testing of school bus drivers beyond that mandated by federal law is optional but can be done under state law only if a policy containing provisions such as the provisions of Part IV. of this policy are adopted. To preserve the right to request or require school district employees who are not bus drivers and applicants to undergo drug and/or alcohol testing or to require bus drivers to submit to testing that is not federally mandated, a school district should adopt Part IV. as part of its drug and alcohol testing policy.]

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.
- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not

medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs which are not medically prescribed, including medical cannabis, regardless of whether it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs which are not medically prescribed are prohibited from entering or remaining on school district property.

- D. The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.

III. FEDERALLY MANDATED DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

A. General Statement of Policy

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

B. Definitions

1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.
2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.

3. “Breath Alcohol Technician” (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.
4. “Commercial Motor Vehicle” (CMV) includes a vehicle which is designed to transport 16 or more passengers, including the driver.
5. “Designated Employer Representative” (DER) means a designated school district representative authorized to take immediate action to remove employees from safety-sensitive duties, to make required decisions in the testing and evaluation process, and to receive test results and other communications for the school district.
6. “Department of Transportation” (DOT) means United States Department of Transportation.
7. “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.
8. “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.
9. “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.
10. “Refusal to Submit” (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver’s provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the

certification on the forms); (i) fails to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.

11. "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 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.
12. "Screening Test Technician" (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
13. "Stand Down" means to temporarily remove an employee from performing safety-sensitive functions after a laboratory reports a confirmed positive, an adulterated, or a substituted test result but before the MRO completes the verification process.
14. "Substance Abuse Professional" (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

[Note: The federal regulations require that school districts provide materials to bus drivers explaining the school district's policies and procedures and the federal requirements with respect to the mandatory drug and alcohol testing of bus drivers. 49 C.F.R. § 382.601. Almost all of the required information is contained within this model policy. Additional materials to be provided to employees are described in Paragraph 2. of this Section C.]

1. The school district shall provide a copy of this policy and procedures to each driver prior to the start of its alcohol and drug testing program and to each driver subsequently hired or transferred into a position requiring driving of a CMV.

2. The school district shall provide to each driver information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug 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 he or she has received a copy of the policy and materials. This statement should be in the form of Attachment A to this policy. The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.

[Note: The federal regulations require a school district to obtain a signed statement from each driver certifying that he or she has received a copy of these materials. 49 C.F.R. § 382.601(d). The original signed certificate must be maintained by the school district and a copy may be provided to the driver.]

D. Alcohol and Controlled Substances Testing Program Manager

[Note: School districts are required by the federal regulations to designate a person to answer driver questions about the policy and the education materials described in Section C. above and to notify the drivers of the designation. 49 C.F.R. § 382.601(b)(1).]

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

E. Specific Prohibitions for Drivers

[Note: The specific prohibitions for drivers are contained, in large part, in 49 C.F.R. §§ 382.201-382.215.]

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.

2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.
8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district which prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

[Note: Consequences for drivers engaging in alcohol-related conduct are described in the federal regulations. 49 C.F.R. § 382.505.]

No driver found to have an alcohol concentration of 0.02 or greater but less than

0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and policy of the school district.

G. Prescription Drugs

A driver shall inform his or her supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry.

H. Testing Requirements

1. Pre-Employment Testing

[Note: 49 C.F.R. § 382.301 details the requirements for pre-employment testing.]

- a. A driver applicant shall undergo testing for [alcohol and] controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.

[Note: A school district is permitted, but not required, to conduct pre-employment testing for the use of alcohol. If a school district elects to require pre-employment testing for alcohol, it should include the bracketed text in Subparagraph a., above, and test all applicants uniformly.]

- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. In order to 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 C.F.R. § 382.413 and 49 C.F.R. § 40.25. If not feasible, school districts must not permit the employee to perform safety-sensitive functions for more than thirty (30) days from the date a safety-sensitive function was performed unless the school districts make good faith efforts to obtain the information and to make a record of those efforts to be retained in the driver's qualification file.]

- d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.

2. Post-Accident Testing

[Note: 49 C.F.R. § 382.303 governs post-accident testing of drivers.]

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

substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.

3. Random Testing

[Note: 49 C.F.R. § 382.305 governs random testing of drivers.]

- a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.

[Note: The Federal Highway Administration (FHWA) lowered the random alcohol selection and testing rate from 25% of the average number of driver positions to 10% in 1998 and evaluates this minimum percentage each year. School districts can elect to stay at 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.
- 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 C.F.R. § 382.307 governs reasonable suspicion testing of drivers.]

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty or within four (4) hours before coming on duty. 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 C.F.R. §§ 382.309, 40.23(d), and 40.305 govern return-to-duty testing.]

5. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances.

[Note: 49 C.F.R. §§ 382.311, 40.307, and 40.309 govern follow-up testing.]

6. Follow-Up Testing. When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled

substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.

7. Refusal to Submit and Attendant Consequences

[Note: Consequences for refusals to submit to required drug and alcohol tests are addressed generally in 49 C.F.R. §§ 40.191, 40.261, and 382.211. They are more specifically addressed in 49 C.F.R. §§ 382.501-382.507 and in 49 U.S.C. § 521(b).]

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

I. Testing Procedures

1. Drug Testing

[Note: The Federal Drug Testing Custody and Control Form (CCF) must be used to document every urine collection required by the DOT drug testing program. 49 C.F.R. § 40.45.]

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated

collection site. The collection site personnel will then pour the sample into two sample bottles, labeled “primary” and “split,” seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.

- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor’s inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.
- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor’s expense. No split specimen testing is done for an invalid result.
- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that a legitimate explanation for the donor’s failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test

result as received from the testing laboratory exists.

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

2. Alcohol Testing

[Note: The DOT Alcohol Testing Form (ATF) must be used for every DOT alcohol test. 49 C.F.R. § 40.225]

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a “negative” test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor’s inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.

- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver's or driver applicant's expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.

[Note: The limitation on discharge in Paragraph 2., below, is contained solely in Minnesota law. State law is preempted by federal laws and regulations as it relates to drivers of commercial motor vehicles (such as bus drivers). See Minn. Stat. § 221.031, Subd. 10. Nevertheless, school districts may decide to comply with the state law requirements for various reasons (such as to treat all school district employees equally since employees subject to testing only under state law are accorded these additional rights). Consultation with the school district's legal counsel is recommended.]

2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and
 - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
 - c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing laboratory for controlled substances will be [***name, address, telephone number***], which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

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

M. Recordkeeping Requirements and Retention of Records

1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.

[Note: The federal recordkeeping requirements for school districts are detailed in the federal regulations 49 C.F.R. §§ 382.401 et seq. and 40.331. The DOT publishes a guide to the recordkeeping requirements of mandatory drug and alcohol testing for persons with a commercial driver's license as part of its Alcohol & Drugs: DOT Compliance Manual.]

2. The required records shall be retained for the following minimum periods:

Basic records	5 years

"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
Collection records	2 years
Negative and cancelled drug tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	indefinite

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

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 C.F.R. § 40.289.]

b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.

[Note: School districts are not required to comply with state law governing drug and alcohol testing when the individuals are subject to the federal laws and regulations (i.e., bus drivers). If a school district, after consultation with legal counsel, chooses to comply voluntarily with these requirements, Subparagraph b., above, can be modified as follows:

b. The school district will offer a driver an opportunity to return to a DOT safety-sensitive duty following an employee's first positive test result on a confirmatory test if no reasons independent of the first test result for discharge exist. Otherwise, the school district may choose, but is not required, to provide an SAP evaluation or any subsequent recommended education or treatment.]

c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.

d. Drivers who engage in prohibited conduct also are required to

comply with follow-up testing requirements.

3. Disciplinary Action

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

P. Other Testing

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

[Note: When the testing of drivers complies with federal testing requirements and procedures, school districts clearly are exempt from the state drug and alcohol testing requirements in Minn. Stat. §§ 181.950-181.957. See Minn. Stat. § 221.031, Subd. 10. When testing beyond the federally mandated requirements, however, school districts still must comply with state law.]

IV. **DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES**

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

A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:

1. General Limitations

- a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory which participates in one of the programs listed in Minn. Stat. § 181.953, Subd. 1.
- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing on an arbitrary and capricious basis.

2. Job Applicant Testing

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

3. Random Testing

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

4. Reasonable Suspicion Testing

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

- a. is under the influence of drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the

employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;

- c. has sustained a personal injury, as that term is defined in Minn. Stat. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

5. Treatment Program Testing

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

6. Routine Physical Examination Testing

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

B. No Legal Duty to Test

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

C. Definitions

- 1. "Drug" means a controlled substance as defined in Minnesota Statutes, including medical cannabis, regardless of enrollment in the state registry program.
- 2. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, Subd. 1, for the purpose of measuring the presence or absence of

drugs, alcohol, or their metabolites in the sample tested.

3. “Other Employees” means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver’s license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver’s license are primarily governed by the provisions of the school district’s drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver’s license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of “other employees.”
4. “Job applicant” means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver’s license, and includes a person who has received a job offer made contingent on the person’s passing drug or alcohol testing. Job applicants for positions requiring a commercial driver’s license are governed by the provisions of the school district’s drug and alcohol testing policy relating to school bus drivers (Section III.).
5. “Positive test result” means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. § 181.953, Subd. 1.
6. “Random selection basis” means a mechanism for selection of employees that:
 - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
 - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
7. “Reasonable suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
8. “Safety-sensitive position” means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

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

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

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

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

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

2. Notice of Test Results

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

3. Notice of and Right to Test Result Report

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing, an employee

or job applicant who has undergone drug or alcohol testing of the employee or job applicant's right to request and receive from the school district a copy of the test result report on any drug or alcohol test.

4. Notice of and Right to Explain Positive Test Result

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide him or her with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information.
- b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- c. The employee may present verification of enrollment in the medical cannabis patient registry as part of the employee's explanation.
- d. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide him or her with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same

drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

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

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

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

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

same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.

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

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

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

H. Chain-of-Custody Procedures

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

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

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

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

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

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

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

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

4. Privilege

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

J. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug and alcohol testing

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

V. POSTING

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Stat. § 152.32 (Protections for Registry Program Participation)
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. § 521(b) (Civil and Criminal Penalties for Violations)
49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

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

Adopted: _____

MSBA/MASA Model Policy 416

Orig. 1995

Revised: _____

Rev. 2023²

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

[Note: Drug, ~~and~~ alcohol, and cannabis testing of school bus drivers and 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, is 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, ~~and~~ alcohol, and cannabis use in society in general, and the public schools in particular. The school board further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.
- B. The school board believes that a work environment free of drug, ~~and~~ alcohol, and cannabis use will 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 or cannabis 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 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, cannabis (including medical cannabis), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to federal law. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.

B. Definitions

- 1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of

the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.

2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.
4. "Commercial Motor Vehicle" (CMV) includes a vehicle 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 he or she has left before it commences is not deemed to have refused to submit to testing.

13. "Safety-Sensitive Functions" are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work and all responsibility for performing work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.
14. "Screening Test Technician" (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
15. "Stand Down" means the practice of temporarily removing an employee from performing safety-sensitive functions based only upon a laboratory report to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, 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 (the driver's or a coworker's); and available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.
3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.
4. The school district shall require each driver to sign a statement certifying that 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 he or she 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 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 cannabis. MROs will verify a drug test confirmed as positive, even if a driver claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.

H. Testing Requirements

[Note: School districts 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: 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 he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.
- e. Before employing a driver subject to controlled substances and alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse ("Clearinghouse") to obtain information about whether the driver (1) has a verified positive, adulterated, or substituted controlled substances test result; (2) has an alcohol confirmation test with a concentration of 0.04 or higher; (3) has refused to submit to a test in violation of federal law; or (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following an accident in violation of federal law or used a controlled substance in violation of federal law. The applicant must give specific written or electronic consent for the school district to conduct the Clearinghouse full query. The school district shall retain the consent for three (3) years from the date of the query.

3. 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.

4. 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.

5. 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, 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.]

- 6. 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.]

- 7. 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.
- 8. 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, sections 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 C to this policy.

I. Testing Procedures

1. Drug Testing

[Note: The Federal Drug Testing Custody and Control Form (CCF) must be used to document every urine collection required by the DOT drug testing program. 49 Code of Federal Regulations, section 40.45.]

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.

- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.
- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that a legitimate explanation for the donor's failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.
- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
 - (1) The donor expressly declines the opportunity to discuss the test results;
 - (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
 - (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

2. Alcohol Testing

[Note: The DOT Alcohol Testing Form (ATF) must be used for every DOT alcohol test. 49 Code of Federal Regulations, section 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 section 221.031, Subd. 10. Nevertheless, school districts may decide to comply with the state law requirements for various reasons (such as to treat all school district employees equally since employees subject to testing only under state law are accorded these additional rights). Consultation with the school district's legal counsel is recommended.]

- 2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and
 - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.

- c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing laboratory for controlled substances will be [***name, address, telephone number***], which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and private data on individuals as that phrase is defined in Minnesota Statutes, 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 cannabis testing or drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo cannabis testing or drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of this policy and as provided in 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, section 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 Regulations, tests positive for alcohol or a controlled substance in violation of federal regulations, or violates subpart B of Part 382 of Title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

R. Annual Clearinghouse Query

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

4. The school district may use an individual's Clearinghouse record only to assess and evaluate whether a prohibition applies with respect to the individual to operate a CMV for the school district.

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

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

A. 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. "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."
9. "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.
10. "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.
11. "Reasonable Suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
12. "Safety-Sensitive Position" means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person.

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

1. General Limitations

- a. The school district will 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 ~~drug and alcohol testing~~ policy; and is conducted by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1.
- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing 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. Random Testing

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

5. 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.

6. 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.

7. 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.

- 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 ~~marijuana~~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 his or her expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minnesota Statutes, section 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, ~~or 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 E and F to this policy provide the Notices described in Paragraphs

2. through 6. of this Section E.

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

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

was impaired by medical cannabis on school district property during the hours of employment.

7. An employee must be given access to information in 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, ~~and~~ alcohol, ~~and~~ cannabis testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on the applicant's passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice in the form of Attachment G to this policy.

V. POSTING

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.22 (Definitions; Medical Cannabis)
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 (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)

416-27F
**ATTACHMENTS TO
DRUG AND ALCOHOL TESTING POLICY**

Attachments A through C are to be used in conjunction with the drug and alcohol testing of bus drivers and driver applicants.

- Attachment A is a “Driver Acknowledgment–Drug and Alcohol Testing Policy Materials” form which should be used to document receipt of the policy and other materials by drivers and driver applicants. It is referred to in Article III., Section C., Paragraph 4. of the policy.
- Attachment B is a “Bus Driver or Driver Applicant–Authorization to Release Information” form. It is referred to in Article III., Section H., Paragraph 1. of the policy.
- Attachment C is a “Bus Driver or Driver Applicant–Refusal to Submit to Testing” form. It is referred to in Article III., Section H., Paragraph 7. of the policy.

Attachments D through G are to be used in conjunction with drug and alcohol testing of non-bus drivers and applicants.

- Attachment D is a “Pretest Notice” that must be provided to non-school bus driver employees or job applicants before requesting that the employee or job applicant undergo drug or alcohol testing. It is referred to in Article IV., Section E., Paragraph 1. of the policy.
- Attachment E is a “Notice of Test Results and Various Rights” which should be used by the District when notifying non-school bus driver employees or job applicants of test results and other rights. It is referred to in Article IV., Section E., Paragraph 6. of the policy.
- Attachment F is an “Explanation of Positive Test Result” form which should be used by the school district to request that the employee or job applicant submit information to the school district relevant to the reliability of, or explanation for, a positive test result. It is referred to in Article IV., Section E., Paragraph 4. of the policy.
- Finally, the District may wish to use Attachment G, entitled “Acknowledgment–Drug and Alcohol Testing Policy,” to document that written notice of the policy was given to all affected employees. It is referred to in Article IV., Section J. of the policy.

416-28F

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— DRIVER ACKNOWLEDGMENT —
DRUG AND ALCOHOL TESTING POLICY AND MATERIALS

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

The District's policy was provided to me:

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

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

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

Dated: _____

Signature of Employee/Applicant

Typed or Printed Name

416-29F

(D R A F T)**[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]****— BUS DRIVER OR DRIVER APPLICANT —****AUTHORIZATION TO RELEASE INFORMATION**

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

Employee Printed or Typed Name: _____

Employee SS or ID Number: _____

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

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

Employee Signature: _____ Date: _____

Section I-A.

School District Name: _____

Address: _____

Phone #: _____ Fax #: _____

Designated Employer Representative: _____

Section I-B.

Previous Employer Name: _____

Address: _____

Phone #: _____

Designated Employer Representative (if known): _____

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

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

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

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

Section II-B.

Name of person providing information in Section II-A: _____

Title: _____

Phone #: _____

Date: _____

416-31F
(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

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

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

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

416-32F

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

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

Date: _____

Time: _____

Signature of Employee/Applicant

Supervisor: _____

Supervisor's Signature

Comments: _____

G Employee refusal to sign

Supervisor's Initials: _____

416-33F

(D R A F T)**[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]****— PRETEST NOTICE —**

I the undersigned employee/job applicant of Independent School District No. _____, _____, Minnesota (“School District”) do hereby acknowledge that I have been provided a copy of the School District’s

Date: _____

*Signature of Employee/Job Applicant*_____
Typed or Printed Name

Drug and Alcohol Testing Policy.

416-34F

(D R A F T)**[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]**

[Employee Name]
[Employee Address]

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

NOTICE OF TEST RESULTS AND VARIOUS RIGHTS

Test Results:

Independent School District No. ____, _____, Minnesota has received the test result report from the testing laboratory:

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

Test Result Report:

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

Right to Explain Positive Test Result:

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

Right to Request Confirmatory Retests:

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

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

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

Other Rights:

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

A. Employee Discharge and Discipline

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

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

2. The school district may not discharge an employee whose position does not require a commercial driver's license for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
 - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the

program before its completion or by a positive test result on a confirmatory test after completion of the program.

3. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
4. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire.
5. An employee must be given access to information in the employee's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

B. Withdrawal of Applicant's Job Offer

If a job applicant for a position that does not require a commercial driver's license has received a job offer made contingent on the applicant passing drug 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.

416-37F

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]**EXPLANATION OF POSITIVE TEST RESULT**

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

I am currently taking or have recently taken:

G no over-the-counter or prescription medications; or

G the following over-the-counter or prescription medications:

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

Date: _____

Signature of Employee/Job Applicant

Typed or Printed Name

416-38F

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— ACKNOWLEDGMENT —
DRUG AND ALCOHOL TESTING POLICY

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

The District's policy was provided to me:

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

Dated: _____

Signature of Employee/Applicant

Typed or Printed Name

ATTACHMENTS TO DRUG AND ALCOHOL TESTING POLICY

Attachments A through C are to be used in conjunction with the drug and alcohol testing of bus drivers and driver applicants.

- Attachment A is a "Driver Acknowledgment-Drug and Alcohol Testing Policy Materials" form that should be used to document receipt of the policy and other materials by drivers and driver applicants. It is referred to in Article III., Section C., Paragraph 4. of the policy.
- Attachment B is a "Bus Driver or Driver Applicant-Authorization to Release Information" form. It is referred to in Article III., Section H., Paragraph 1. of the policy.
- Attachment C is a "Bus Driver or Driver Applicant-Refusal to Submit to Testing" form. It is referred to in Article III., Section H., Paragraph 7. of the policy.

Attachments D through G are to be used in conjunction with drug and alcohol testing of non-bus drivers and applicants.

- Attachment D is a "Pretest Notice" that must be provided to non-school bus driver employees or job applicants before requesting that the employee or job applicant undergo drug or alcohol testing. It is referred to in Article IV., Section E., Paragraph 1. of the policy.
- Attachment E is a "Notice of Test Results and Various Rights" which should be used by the District when notifying non-school bus driver employees or job applicants of test results and other rights. It is referred to in Article IV., Section E., Paragraph 6. of the policy.
- Attachment F is an "Explanation of Positive Test Result" form which should be used by the school district to request that the employee or job applicant submit information to the school district relevant to the reliability of, or explanation for, a positive test result. It is referred to in Article IV., Section E., Paragraph 4. of the policy.
- Finally, the District may wish to use Attachment G, entitled "Acknowledgment-Drug and Alcohol Testing Policy," to document that written notice of the policy was given to all affected employees. It is referred to in Article IV., Section J. of the policy.

ATTACHMENT A

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— DRIVER ACKNOWLEDGMENT — DRUG AND ALCOHOL TESTING POLICY AND MATERIALS

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

The District's policy was provided to me:

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

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

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

Dated: _____

Signature of Employee/Applicant

Typed or Printed Name

ATTACHMENT B

(DRAFT)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— BUS DRIVER OR DRIVER APPLICANT —
AUTHORIZATION TO RELEASE INFORMATION

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

Employee Printed or Typed Name: _____

Employee SS or ID Number: _____

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

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

Employee Signature: _____ Date: _____

Section I-A.

School District Name: _____

Address: _____

Phone #: _____ Fax #: _____

Designated Employer Representative: _____

Section I-B.

Previous Employer Name: _____

Address: _____

Phone #: _____

Designated Employer Representative (if known): _____

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

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

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

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

Section II-B.

Name of person providing information in Section II-A: _____

Title: _____

Phone #: _____

Date: _____

ATTACHMENT C

(DRAFT)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

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

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

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

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

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

Date: _____

Time: _____

Signature of Employee/Applicant

Supervisor: _____

Supervisor's Signature

Comments: _____

☐ Employee refusal to sign

Supervisor's Initials: _____

ATTACHMENT D

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— PRETEST NOTICE —

I, the undersigned employee/job applicant of Independent School District No. _____, _____, Minnesota ("School District") do hereby acknowledge that I have been provided a copy of the School District's Drug and Alcohol Testing Policy.

Date: _____

Signature of Employee/Job Applicant

Typed or Printed Name

ATTACHMENT E

(DRAFT)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

[Employee Name]
[Employee Address]

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

NOTICE OF TEST RESULTS AND VARIOUS RIGHTS

Test Results:

Independent School District No. ____, _____, Minnesota has received the test result report from the testing laboratory:

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

Test Result Report:

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

Right to Explain Positive Test Result:

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

Right to Request Confirmatory Retests:

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

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

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

Other Rights:

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

A. Employee Discharge and Discipline

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

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

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

B. Withdrawal of Applicant's Job Offer

If a job applicant for a position that does not require a commercial driver's license has received a job offer made contingent on the applicant passing drug 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.

ATTACHMENT F

(DRAFT)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

EXPLANATION OF POSITIVE TEST RESULT

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

I am currently taking or have recently taken:

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

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

Date: _____

Signature of Employee/Job Applicant

Typed or Printed Name

ATTACHMENT G

(DRAFT)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— ACKNOWLEDGMENT —
DRUG AND ALCOHOL TESTING POLICY

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

The District's policy was provided to me:

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

Dated: _____

Signature of Employee/Applicant

Typed or Printed Name

Adopted: _____

MSBA/MASA Model Policy 420

Orig. 1995

Revised: _____

Rev. 2015

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

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. Students

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

B. Employees

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

school district.

C. Circumstances and Conditions

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties), and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.
2. The school board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions, or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

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

E. Extracurricular Student Participation

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

F. Precautions

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration

any guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.)

G. Information Sharing

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

H. Reporting

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

I. Prevention

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

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

transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;

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

J. Vaccination and Screening

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

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

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

Adopted: _____

MSBA/MASA Model Policy 420

Orig. 1995

Revised: _____

Rev. 202215

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

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. Students

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

B. Employees

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

C. Circumstances and Conditions

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

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

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

D. Students with Special Circumstances and Conditions

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

E. Extracurricular Student Participation

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

F. Precautions

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

G. Information Sharing

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

policies on employee and student records and data.

H. Reporting

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

I. Prevention

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

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

J. Vaccination and Screening

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

- Legal References:** Minn. Stat. § 121A.23 (Programs to Prevent and Reduce the Risks of Sexually Transmitted Infections and Diseases)
Minn. Stat. § 144.441-~~442~~ (Tuberculosis Screening in Schools)
Minn. Stat. § 142 (Testing in School Clinics)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education ~~Improvement Act of 2004~~)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)
29 C.F.R. 1910.1030 (~~Occupational Exposure to~~ Bloodborne Pathogens)
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), *cert. denied*, 493 U.S. 892, ~~110 S.Ct. 239~~ (1989)
School Board of Nassau County, Fla. v. Arline, 480 U.S. 273, ~~107 S.Ct. 1123~~ (1987)
16 EHLR 712, OCR Staff Memo, April 5, 1990
- Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)
MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

Adopted: _____

MSBA/MASA Model Policy 424

Orig. 1999

Revised: _____

Rev. 2018

424 LICENSE STATUS

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

I. PURPOSE

The purpose of this policy is to ensure that qualified teachers are employed by the school district and to fulfill its duty to ascertain the licensure status of its teachers. A school board that employs a teacher who does not hold a valid teaching license or permit places itself at risk for a reduction in state aid. This policy does not negate a teacher's duty and responsibility to maintain a current and valid teaching license.

II. GENERAL STATEMENT OF POLICY

- A. A qualified teacher is one holding a valid license to perform the particular service for which the teacher is employed by the school district.
- B. No person shall be a qualified teacher until the school district verifies, through the Minnesota education licensing system available on the Minnesota Professional Educator Licensing and Standards Board website, that the person is a qualified teacher consistent with state law.
- C. The school district has a duty to ascertain the licensure status of its teachers and ensure that the school district's teacher license files are up to date. The school district shall establish a procedure for annually reviewing its teacher license files to verify that every teacher's license is current and appropriate to the particular service for which the teacher is employed by the school district.

III. PROCEDURE

- A. The superintendent or the superintendent's designee shall establish a schedule for the annual review of teacher licenses.
- B. Where it is discovered that a teacher's license will expire within one year from the date of the annual review, the superintendent or the superintendent's designee will advise the teacher in writing of the approaching expiration and that the teacher must complete the renewal process and file the license with the superintendent prior to the expiration of the current license. However, failure to provide this notice does not relieve a teacher from his/her duty and responsibility of ensuring that his/her teaching license is valid, current and appropriate to his/her teaching assignment.
- C. If it is discovered that a teacher's license has expired, the superintendent will

immediately investigate the circumstances surrounding the lack of license and will take appropriate action. The teacher shall be advised that the teacher's failure to have the license reinstated will constitute gross insubordination, inefficiency and willful neglect of duty which are grounds for immediate discharge from employment.

- D. The duty and responsibility of maintaining a current and valid teaching license appropriate to the teaching assignment as required by this policy shall remain with the teacher, notwithstanding the superintendent's failure to discover a lapsed license or license that does not support the teaching assignment. A teacher's failure to comply with this policy may be grounds for the teacher's immediate discharge from employment.

Legal References: Minn. Stat. § 122A.16 (Qualified Teacher Defined)
Minn. Stat. § 122A.22 (District Verification of Teacher Licenses)
Minn. Stat. § 122A.40, Subd. 13 (Employment; Contracts; Termination – Immediate Discharge)
Minn. Stat. § 127A.42 (Reduction of Aid for Violation of Law)
Vettleson v. Special Sch. Dist. No. 1, 361 N.W.2d 425 (Minn. App. 1985)
Lucio v. School Bd. of Independent Sch. Dist. No. 625, 574 N.W.2d 737 (Minn. App. 1998)
In the Matter of the Proposed Discharge of John R. Statz (Christine D. VerPloeg), June 8, 1992, *affirmed*, 1993 WL 129639 (Minn. App. 1993)

Cross References:

Adopted: _____

MSBA/MASA Model Policy 424

Orig. 1999

Revised: _____

Rev. 2023

424 LICENSE STATUS

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

I. PURPOSE

The purpose of this policy is to ensure that qualified teachers are employed by the school district and to fulfill its duty to ascertain the licensure status of its teachers. A school board that employs a teacher who does not hold a valid teaching license or permit places itself at risk for a reduction in state aid. This policy does not negate a teacher's duty and responsibility to maintain a current and valid teaching license.

II. GENERAL STATEMENT OF POLICY

- A. A qualified teacher is one holding a valid license to perform the particular service for which the teacher is employed by the school district.
- B. No person shall be a qualified teacher until the school district verifies, through the Minnesota education licensing system available on the Minnesota Professional Educator Licensing and Standards Board website, that the person is a qualified teacher consistent with state law.
- C. The school district has a duty to ascertain the licensure status of its teachers and ensure that the school district's teacher license files are up to date. The school district shall establish a procedure for annually reviewing its teacher license files to verify that every teacher's license is current and appropriate to the particular service for which the teacher is employed by the school district.
- D. The school district must annually report to the Professional Educator Licensing and Standards Board: (1) all new teacher hires and terminations, including layoffs, by race and ethnicity; and (2) the reasons for all teacher resignations and requested leaves of absence. The report must not include data that would personally identify individuals.

III. PROCEDURE

- A. The superintendent or the superintendent's designee shall establish a schedule for the annual review of teacher licenses.
- B. Where it is discovered that a teacher's license will expire within one year from the date of the annual review, the superintendent or the superintendent's designee will advise the teacher in writing of the approaching expiration and that the teacher must complete the renewal process and file the license with the superintendent prior to the expiration of the current license. However, failure to provide this notice does not relieve a teacher from his/her duty and responsibility of ensuring that his/her teaching license is valid, current and appropriate to his/her teaching assignment.
- C. If it is discovered that a teacher's license has expired, the superintendent will immediately investigate the circumstances surrounding the lack of license and will take appropriate action. The teacher shall be advised that the teacher's failure to have the license reinstated will constitute gross insubordination, inefficiency and willful neglect of

duty which are grounds for immediate discharge from employment.

- D. The duty and responsibility of maintaining a current and valid teaching license appropriate to the teaching assignment as required by this policy shall remain with the teacher, notwithstanding the superintendent's failure to discover a lapsed license or license that does not support the teaching assignment. A teacher's failure to comply with this policy may be grounds for the teacher's immediate discharge from employment.

Legal References: Minn. Stat. § 122A.16 (Qualified Teacher Defined)
Minn. Stat. § 122A.22 (District Verification of Teacher Licenses)
Minn. Stat. § 122A.40, ~~Subd. 13~~ (Employment; Contracts; Termination – Immediate Discharge)
Minn. Stat. § 127A.42 (Reduction of Aid for Violation of Law)
Vettleson v. Special Sch. Dist. No. 1, 361 N.W.2d 425 (Minn. App. 1985)
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In the Matter of the Proposed Discharge of John R. Statz (Christine D. VerPloeg), June 8, 1992, *affirmed*, 1993 WL 129639 (Minn. App. 1993)

Cross References: None

Adopted: _____

MSBA/MASA Model Policy 425

Orig. 2001

Revised: _____

Rev. 2016

425 STAFF DEVELOPMENT

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

I. PURPOSE

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

II. ADVISORY STAFF DEVELOPMENT COMMITTEE AND SITE PROFESSIONAL DEVELOPMENT TEAMS

A. The school board will establish an Advisory Staff Development Committee to develop a Staff Development Plan, assist Site Professional Development Teams in developing a site plan consistent with the goals of the Staff Development Plan, and evaluate staff development efforts at the site level.

1. The majority of the membership of the Advisory Staff Development Committee shall consist of teachers representing various grade levels, subject areas, and special education. The Committee also will include nonteaching staff, parents, and administrators.

2. Members of the Advisory Staff Development Committee shall be appointed by the school board. Committee members shall serve a two-year term* based upon nominations by board members, teachers, and paraprofessionals. The school board shall appoint replacement members of the Advisory Staff Development Committee as soon as possible following the resignation, death, serious illness, or removal of a member from the Committee.

B. The school board will establish the Site Professional Development Teams.

1. Members of the Site Professional Development Teams will be appointed by the school board. Team members shall serve a two-year term* based upon nominations by board members, teachers, and paraprofessionals. The school board shall appoint replacement members of the Site Professional Development Teams as soon as possible following the resignation, death, serious illness, or removal of a member from the Team.

* This time period may be changed to accommodate individual school district needs.

2. The majority of the Site Professional Development Teams shall be teachers representing various grade levels, subject areas, and special education.

III. DUTIES OF THE ADVISORY STAFF DEVELOPMENT COMMITTEE

- A. The Advisory Staff Development Committee will develop a Staff Development Plan which will be reviewed and subject to approval by the school board twice a year.*
- B. The Staff Development Plan must contain the following elements:
 1. Staff development outcomes which are consistent with the education outcomes as may be determined periodically by the school board;

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

2. The means to achieve the Staff Development outcomes;
3. The procedures for evaluating progress at each school site toward meeting educational outcomes consistent with relicensure requirements under Minn. Stat. § 122A.18, Subd. 4;
4. Ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:
 - a. Improve student achievement of state and local education standards in all areas of the curriculum, including areas of regular academic and applied and experiential learning, by using research-based best practices methods;
 - b. Effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, English learners, and gifted children, within the regular classroom, applied and experiential learning settings, and other settings;
 - c. Provide an inclusive curriculum for a racially, ethnically, linguistically, and culturally diverse student population that is consistent with state education diversity rule and the district's education diversity plan;
 - d. Improve staff collaboration and develop mentoring and peer

* This time period may be changed to accommodate individual school district needs.

coaching programs for teachers new to the school or district;

- e. Effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution;
- f. Effectively deliver digital and blended learning and curriculum and engage students with technology; and
- g. Provide teachers and other members of site-based management teams with appropriate management and financial management skills.

5. The Staff Development Plan also must:

- a. Support stable and productive professional communities achieved through ongoing and schoolwide progress and growth in teaching practice;
- b. Emphasize coaching, professional learning communities, classroom action research, and other job-embedded models;
- c. Maintain a strong subject matter focus premised on students' learning goals consistent with Minn. Stat. § 120B.125;
- d. Ensure specialized preparation and learning about issues related to teaching English learners and students with special needs by focusing on long-term systemic efforts to improve educational services and opportunities and raise student achievement; and
- e. Reinforce national and state standards of effective teaching practice.

6. Staff development activities must:

- a. Focus on the school classroom and research-based strategies that improve student learning;
- b. Provide opportunities for teachers to practice and improve their instructional skills over time;
- c. Provide opportunities for teachers to use student data as part of their daily work to increase student achievement;
- d. Enhance teacher content knowledge and instructional skills, including to accommodate the delivery of digital and blended learning and curriculum and engage students with technology;

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

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

- C. The Advisory Staff Development Committee will assist Site Professional Development Teams in developing a site plan consistent with the goals and outcomes of the Staff Development Plan.
- D. The Advisory Staff Development Committee will evaluate staff development efforts at the site level and will report to the school board on a quarterly basis* the

* This time period may be changed to accommodate individual school district needs.

extent to which staff at the site have met the outcomes of the Staff Development Plan.

- E. The Advisory Staff Development Committee shall assist the school district in preparing any reports required by the Department of Education relating to staff development including, but not limited to, the reports referenced in Section VII. below.

IV. DUTIES OF THE SITE PROFESSIONAL DEVELOPMENT TEAM

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

V. STAFF DEVELOPMENT FUNDING

- A. Unless the school district is in statutory operating debt or a majority of the school board and a majority of its licensed teachers annually vote to waive the requirement to reserve basic revenue for staff development, the school district will reserve an amount equal to at least two percent of its basic revenue for: in-service education for violence prevention programs to help students learn how to resolve conflicts within their families and communities in non-violent, effective ways; staff development plans; curriculum development and programs; other in-service education; teachers' workshops; teacher conferences; the cost of substitute teachers for staff development purposes; preservice and in-service education for special education professionals and paraprofessionals; and other related costs for staff development efforts. The school district also may use the revenue reserved for staff development for grants to the school district's teachers to pay for coursework and training leading to certification as either a college in the schools teacher or a concurrent enrollment teacher. In order to receive a grant, the teacher must be enrolled in a program that includes coursework and training focused on teaching a core subject.
- B. The school district may, in its discretion, expend an additional amount of unreserved revenue for staff development based on its needs.
- C. Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and instructional skills, such as preparing report cards, calculating

grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under Minn. Stat. § 122A.61.

VI. PROCEDURE FOR USE OF STAFF DEVELOPMENT FUNDS

- A. On a yearly* basis, the Advisory Staff Development Committee, with the assistance of the Site Professional Development Teams, shall prepare a projected budget setting forth proposals for allocating staff development funds reserved for each school site. Such budgets shall include, but not be limited to, projections as to the cost of building site training programs, costs of individual staff seminars, and cost of substitutes.
- B. Upon approval of the budget by the school board, the Advisory Committee shall be responsible for monitoring the use of such funds in accordance with the Staff Development Plan and budget. The requested use of staff development funds must meet or make progress toward the goals and objectives of the Staff Development Plan. All costs/expenditures will be reviewed by the school board and/or superintendent for consistency with the Staff Development Plan on a quarterly basis.*
- C. Individual requests from staff for leave to attend staff development activities shall be submitted and reviewed according to school district policy, staff procedures, contractual agreement, and the effect on school district operations. Failure to timely submit such requests may be cause for denial of the request.

VII. REPORTING

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

* This time period may be changed to accommodate individual school district needs.

- c. The cost of releasing teachers or providing substitute teachers for staff development purposes.

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

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

Legal References: Minn. Stat. § 120A.41 (Length of School Year; Days of Instruction)
Minn. Stat. § 120A.415 (Extended School Calendar)
Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)
Minn. Stat. § 120B.22, Subd. 2 (Violence Prevention Education)
Minn. Stat. § 122A.18, Subd. 4 (Board to Issue Licenses; Expiration and Renewal)
Minn. Stat. § 122A.40, Subds. 7 and 7a (Employment; Contracts; Termination - Additional Staff Development and Salary)
Minn. Stat. § 122A.41, Subds. 4 and 4a (Teacher Tenure Act; Cities of the First Class; Definitions - Additional Staff Development and Salary)
Minn. Stat. § 122A.60 (Staff Development Program)
Minn. Stat. § 122A.61 (Reserved Revenue for Staff Development)
Minn. Stat. § 126C.10, Subds. 2 and 2b (General Education Revenue)
Minn. Stat. § 126C.13, Subd. 5 (General Education Levy and Aid)

Cross References:

Adopted: _____

MSBA/MASA Model Policy 425

Orig. 2001

Revised: _____

Rev. 2023

425 STAFF DEVELOPMENT AND MENTORING

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

I. PURPOSE

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

II. ADVISORY STAFF DEVELOPMENT COMMITTEE AND SITE PROFESSIONAL DEVELOPMENT TEAMS

A. The school board will establish an Advisory Staff Development Committee to develop a Staff Development Plan, assist Site Professional Development Teams in developing a site plan consistent with the goals of the Staff Development Plan, and evaluate staff development efforts at the site level.

1. The majority of the membership of the Advisory Staff Development Committee shall consist of teachers representing various grade levels, subject areas, and special education. The Committee also will include nonteaching staff, parents, and administrators.
2. Members of the Advisory Staff Development Committee shall be appointed by the school board. Committee members shall serve a two-year term* based upon nominations by board members, teachers, and paraprofessionals. The school board shall appoint replacement members of the Advisory Staff Development Committee as soon as possible following the resignation, death, serious illness, or removal of a member from the Committee.

B. The school board will establish the Site Professional Development Teams.

1. Members of the Site Professional Development Teams will be appointed by the school board. Team members shall serve a two-year term* based upon nominations by board members, teachers, and paraprofessionals. The school board shall appoint replacement members of the Site Professional Development Teams as soon as possible following the resignation, death, serious illness, or removal of a member from the Team.
2. The majority of the Site Professional Development Teams shall be teachers representing various grade levels, subject areas, and special education.

III. DUTIES OF THE ADVISORY STAFF DEVELOPMENT COMMITTEE

A. The Advisory Staff Development Committee will develop a Staff Development Plan that will be reviewed and subject to approval by the school board twice a year.*

* This time period may be changed to accommodate individual school district needs.

~~* This time period may be changed to accommodate individual school district needs.~~

B. The Staff Development Plan must contain the following elements:

1. Staff development outcomes that are consistent with the education outcomes as may be determined periodically by the school board;

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

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

- c. Maintain a strong subject matter focus premised on students' learning goals consistent with Minnesota Statutes, section 120B.125;
 - d. Ensure specialized preparation and learning about issues related to teaching English learners and students with special needs by focusing on long-term systemic efforts to improve educational services and opportunities and raise student achievement; and
 - e. Reinforce national and state standards of effective teaching practice.
6. Staff development activities must:
- a. Focus on the school classroom and research-based strategies that improve student learning;
 - b. Provide opportunities for teachers to practice and improve their instructional skills over time;
 - c. Provide opportunities for teachers to use student data as part of their daily work to increase student achievement;
 - d. Enhance teacher content knowledge and instructional skills, including to accommodate the delivery of digital and blended learning and curriculum and engage students with technology;
 - e. Align with state and local academic standards;
 - f. Provide opportunities to build professional relationships, foster collaboration among principals and staff who provide instruction, and provide opportunities for teacher-to-teacher mentoring;
 - g. Align with the plan, if any, of the district or site for an alternative teacher professional pay system;
 - h. Provide teachers of English learners, including English as a second language, and content teachers with differentiated instructional strategies critical for ensuring students long-term academic success, the means to effectively use assessment data on the academic literacy, oral academic language, and English language development of English learners, and skills to support native and English language development across the curriculum; and
 - i. Provide opportunities for staff to learn about current workforce trends, the connections between workforce trends and postsecondary education, and training options, including career and technical education options.
7. Staff development activities may include curriculum development and curriculum training programs and activities that provide teachers and other members of site-based teams training to enhance team performance.
8. The school district may implement other staff development activities required by law and activities associated with professional teacher compensation models.

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

- C. The Advisory Staff Development Committee will assist Site Professional Development Teams in developing a site plan consistent with the goals and outcomes of the Staff Development Plan.
- D. The Advisory Staff Development Committee will evaluate staff development efforts at the site level and will report to the school board on a quarterly basis* the extent to which staff at the site have met the outcomes of the Staff Development Plan.
- E. In addition to developing a Staff Development Plan, the Staff Development Advisory Committee also must develop teacher mentoring programs for teachers new to the profession or school district, including teaching residents, teachers of color, teachers who are American Indian, teachers in license shortage areas, teachers with special needs, or experienced teachers in need of peer coaching. Teacher mentoring programs must be included in or aligned with the school district's teacher evaluation and peer review processes under Minnesota Statutes, sections 122A.40, subdivision 8 or 122A.41, subdivision 5.
- F. The Advisory Staff Development Committee shall assist the school district in preparing any reports required by the Minnesota Department of Education (MDE) relating to staff development or teacher mentoring including, but not limited to, the reports referenced in Section VII. below.

IV. DUTIES OF THE SITE PROFESSIONAL DEVELOPMENT TEAM

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

V. STAFF DEVELOPMENT FUNDING

- A. Unless the school district is in statutory operating debt or a majority of the school board and a majority of its licensed teachers annually vote to waive the requirement to reserve basic revenue for staff development, the school district will reserve an amount equal to at least two percent of its basic revenue for: (1) teacher development and evaluation under Minnesota Statutes, section 122A.40, subdivision 8 or 122A.41, subdivision 5; (2) principal development and evaluation under section 123B.147, subdivision. 3; (3)

* This time period may be changed to accommodate individual school district needs.

professional development under section 122A.60; (4) in-service education for programs under section 120B.22, subdivision 2; and (5) teacher mentorship under section 122A.70, subdivision 1. . To the extent extra funds remain, staff development revenue may be used for development plans, including plans for challenging instructional activities and experiences under section 122A.60, and for curriculum development and programs, other in-service education, teacher's workshops, teacher conferences, the cost of substitute teachers for staff development purposes, preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts. The school district also may use the revenue reserved for staff development for grants to the school district's teachers to pay for coursework and training leading to certification as either a college in the schools teacher or a concurrent enrollment teacher. To receive a grant, the teacher must be enrolled in a program that includes coursework and training focused on teaching a core subject.

- B. The school district may, in its discretion, expend an additional amount of unreserved revenue for staff development based on its needs.
- C. Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and instructional skills, such as preparing report cards, calculating grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under Minnesota Statutes, section 122A.61.

VI. PROCEDURE FOR USE OF STAFF DEVELOPMENT FUNDS

- A. On a yearly* basis, the Advisory Staff Development Committee, with the assistance of the Site Professional Development Teams, shall prepare a projected budget setting forth proposals for allocating staff development and mentoring funds reserved for each school site. Such budgets shall include, but not be limited to, projections as to the cost of building site training programs, costs of individual staff seminars, and cost of substitutes.
- B. Upon approval of the budget by the school board, the Advisory Committee shall be responsible for monitoring the use of such funds in accordance with the Staff Development Plan and budget. The requested use of staff development funds must meet or make progress toward the goals and objectives of the Staff Development Plan. All costs/expenditures will be reviewed by the school board and/or superintendent for consistency with the Staff Development Plan on a quarterly basis.*
- C. Individual requests from staff for leave to attend staff development activities shall be submitted and reviewed according to school district policy, staff procedures, contractual agreement, and the effect on school district operations. Failure to timely submit such requests may be cause for denial of the request.
- D. The school district may use staff development revenue, special grant programs established by the legislature, or another funding source to pay a stipend to a mentor who may be a current or former teacher who has taught at least three (3) years and is not on an improvement plan. Other initiatives using such funds. or funds available under Minnesota Statutes, sections 124D.861 and 124D.862, may include:

* This time period may be changed to accommodate individual school district needs.

1. additional stipends as incentives to mentors of color or who are American Indian;
2. financial supports for professional learning community affinity groups across schools within and between districts for teachers from underrepresented racial and ethnic groups to come together throughout the school year;
3. programs for induction aligned with the school district or school mentorship program during the first three (3) years of teaching, especially for teachers from underrepresented racial and ethnic groups; or
4. grants supporting licensed and nonlicensed educator participation in professional development, such as workshops and graduate courses, related to increasing student achievement for students of color and American Indian students in order to close opportunity and achievement gaps.

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

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

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

VIII. REPORTING

- A. The school district and site staff development committee shall prepare a report of the previous fiscal year's staff development activities and expenditures as part of the school district's world's best workforce report.
 1. The report must include assessment and evaluation data indicating progress toward district and site staff development goals based on teaching and learning outcomes, including the percentage of teachers and other staff involved in instruction who participate in effective staff development activities.
 2. The report will provide a breakdown of expenditures for:

- a. Curriculum development and curriculum training programs;
- b. Staff development training models, workshops, and conferences; and
- c. The cost of releasing teachers or providing substitute teachers for staff development purposes.

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

- 3. The report will be signed by the superintendent and staff development chair.
- B. To the extent the school district receives a grant for mentorship activities described in Section V.D., by June 30 of each year after receiving a grant, the site staff development committee must submit a report to the Professional Educator Licensing and Standards Board on program efforts that describes mentoring and induction activities and assesses the impact of these programs on teacher effectiveness and retention.

Legal References: Minn. Stat. § 120A.41 (Length of School Year; Days of Instruction)
Minn. Stat. § 120A.415 (Extended School Calendar)
Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)
Minn. Stat. § 120B.22, Subd. 2 (Violence Prevention Education)
[Minn. Stat. § 121A.642 \(Paraprofessional Training\)](#)
Minn. Stat. § 122A.187 (Expiration and Renewal)
Minn. Stat. § 122A.40, Subds. 7, 7a and 8 (Employment; Contracts; Termination - Additional Staff Development and Salary)
Minn. Stat. § 122A.41, Subds. 4, 4a and 5 (Teacher Tenure Act; Cities of the First Class; Definitions - Additional Staff Development and Salary)
Minn. Stat. § 122A.60 (Staff Development Program)
Minn. Stat. § 122A.70 (Teacher Mentorship and Retention of Effective Teachers)
Minn. Stat. § 122A.61 (Reserved Revenue for Staff Development)
Minn. Stat. § 123B.147, subd. 3 (Principals)
Minn. Stat. § 124D.861 (Achievement and Integration for Minnesota)
Minn. Stat. § 124D.862 (Achievement and Integration Revenue)
Minn. Stat. § 126C.10, Subds. 2 and 2b (General Education Revenue)
Minn. Stat. § 126C.13, Subd. 5 (General Education Levy and Aid)

Cross References: None.

SCHOOL DISTRICT CURRICULUM AND INSTRUCTIONAL GOALS

BARENSVILLE PUBLIC SCHOOL
ISD 146

POLICY 601
SERIES 600 STUDENTS

601 SCHOOL DISTRICT CURRICULUM AND INSTRUCTION GOALS

I. PURPOSE

The purpose of this policy is to establish broad curriculum parameters for the school district that encompass the Minnesota Academic Standards and federal law and are aligned with creating the world's best workforce.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to establish the "world's best workforce" in which all learning in the school district should be directed and for which all school district learners should be held accountable.

III. DEFINITIONS

- A. "Academic standard" means a summary description of student learning in a required content area or elective content area.
- B. "Antiracist" means actively working to identify and eliminate racism in all forms in order to change policies, behaviors, and beliefs that perpetuate racist ideas and actions.
- C. "Benchmark" means specific knowledge or skill that a student must master to complete part of an academic standard by the end of the grade level or grade band.
- D. "Culturally sustaining" means integrating content and practices that infuse the culture and language of Black, Indigenous, and People of Color communities who have been and continue to be harmed and erased through the education system.
- E. "Curriculum" means district or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge, skills, and career and college readiness.
- F. "Ethnic studies" as defined in Minnesota Statutes, section 120B.25, has the same meaning for purposes of this section. Ethnic studies curriculum may be integrated in existing curricular opportunities or provided through additional curricular offerings.
- G. "Experiential learning" means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.
- H. "Institutional racism" means structures, policies, and practices within and across institutions that produce outcomes that disadvantage those who are Black, Indigenous, and People of Color.
- I. "Instruction" means methods of providing learning experiences that enable students to meet state and district academic standards and graduation requirements including applied and experiential learning.

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- J. "Performance measures" are measures to determine school district and school site progress in striving to create the world's best workforce and must include at least the following:
 - 1. the size of the academic achievement gap; rigorous course taking, including college-level advanced placement, international baccalaureate, postsecondary enrollment options, including concurrent enrollment, other rigorous courses of study or industry certification courses or programs, and enrichment experiences by student subgroup;
 - 2. student performance on the Minnesota Comprehensive Assessments;
 - 3. high school graduation rates; and
 - 4. career and college readiness under Minnesota Statutes, section 120B.30, subdivision 1.
- K. "World's best workforce" means striving to: meet school readiness goals; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.

IV. LONG-TERM STRATEGIC PLAN

- A. The school board, at a public meeting, must adopt a comprehensive, long-term strategic plan to support and improve teaching and learning that is aligned with creating the world's best workforce and includes the following:
 - 1. clearly defined school district and school site goals and benchmarks for instruction and student achievement for all student categories identified in Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b)(2).;
 - 2. a process to assess and evaluate each student's progress toward meeting state and local academic standards, assess and identify students for participation in gifted and talented programs and services and accelerate their instruction, adopt early-admission procedures consistent with Minnesota Statutes, section 120B.15 and identifying the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students' progress and growth toward career and college readiness and leading to the world's best workforce;
 - 3. a system to periodically review and evaluate the effectiveness of all instruction and curriculum, taking into account strategies and best practices, student outcomes, principal evaluations under Minnesota Statutes, section 123B.147, subdivision 3, students' access to effective teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of enrolled students under Minnesota Statutes, section 120B.35, subdivision 3(b)(2), and teacher evaluations under Minnesota Statutes, section 122A.40, subdivision. 8, or 122A.41, subdivision 5;

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4. strategies for improving instruction, curriculum, and student achievement, including the English and, where practicable, the native language development and the academic achievement of English learners;
 5. a process to examine the equitable distribution of teachers and strategies to ensure children in low-income families, children in families of People of Color, and children in American Indian families are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;
 6. education effectiveness practices that
 - a. integrate high-quality instruction, technology, and curriculum that is rigorous, accurate, antiracist, and culturally sustaining;
 - b. ensure learning and work environments validate, affirm, embrace, and integrate cultural and community strengths for all students, families, and employees;
 - c. provide a collaborative professional culture that seeks to retain qualified, racially and ethnically diverse staff effective at working with diverse students while developing and supporting teacher quality, performance, and effectiveness; and
 7. an annual budget for continuing to implement the school district plan; and
 8. identifying a list of suggested and required materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota.
- B. The school district is not required to include information regarding literacy in a plan or report required under this section, except with regard to the academic achievement of English learners.
- C. Every child is reading at or above grade level every year, beginning in kindergarten, and multilingual learners and students receiving special education services are receiving support in achieving their individualized reading goals pursuant to Policy XXX (Reading and the Read Act)

Legal References: Minn. Stat. § 120B.018 (Definitions)
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce)
Minn. Stat. § 120B.12 (Read Act Goal and Interventions)
Minn. Stat. § 120B.30, Subd. 1 (Statewide Testing and Reporting System)
Minn. Stat. § 120B.35, Subd. 3 (Student Academic Achievement and Growth)
Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)
Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)
Minn. Stat. § 123B.147, Subd. 3 (Principals)
Minn. Stat. § 125A.56, Subd. 1 (Alternate Instruction Required before Assessment Referral)
20 U.S.C. § 5801, *et seq.* (National Education Goals)

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20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

Cross References:

MSBA/MASA Model Policy 104 (School District Mission Statement)
MSBA/MASA Model Policy 613 (Graduation Requirements)
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)
MSBA/MASA Model Policy 616 (School District System Accountability)
MSBA/MASA Model Policy 618 (Assessment of Student Achievement)

CURRICULUM DEVELOPMENT

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POLICY 603
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603 CURRICULUM DEVELOPMENT

I. PURPOSE

The purpose of this policy is to provide direction for continuous review and improvement of the school curriculum.

II. GENERAL STATEMENT OF POLICY

Curriculum development shall be directed toward the fulfillment of the goals and objectives of the education program of the school district.

III. RESPONSIBILITY

The superintendent shall be responsible for curriculum development and for determining the most effective way of conducting research on the school district's curriculum needs and establishing a long-range curriculum development program. Timelines shall be determined by the superintendent that will provide for periodic reviews of each curriculum area.

IV. DISTRICT ADVISORY COMMITTEE

- A. The school board must establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards.
- B. The District Advisory Committee, to the extent possible, must reflect the diversity of the district and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. Whenever possible, parents and other community residents must comprise at least two-thirds of committee members.
- C. The District Advisory Committee must pursue community support to accelerate the academic and native literacy and achievement of English learners with varied needs, from young children to adults, consistent with Minnesota Statutes, section 124D.59, subdivisions 2 and 2a.
- D. The school district may establish site teams as subcommittees of the District Advisory Committee.
- E. The District Advisory Committee must recommend to the school board
 1. rigorous academic standards, student achievement goals and measures consistent with Minnesota Statutes, sections 120B.11, subdivision 1a, 120B.022 subdivisions 1a and 1b, and 120B.35;
 2. district assessments;
 3. means to improve students' equitable access to effective and more diverse teachers;
 4. strategies to ensure the curriculum is rigorous, accurate, antiracist, culturally sustaining, and reflects the diversity of the student population;

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5. strategies to ensure that curriculum and learning and work environments validate, affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic groups; and
 6. program evaluations.
- F. School sites may expand upon district evaluations of instruction, curriculum, assessments, or programs.

V. SCHOOL SITE TEAM

Each school must establish a site team to develop and implement strategies and education effectiveness practices to improve instruction, curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. The site team must include an equal number of teachers and administrators and at least one parent. The site team advises the board and the advisory committee about developing the annual budget and creates an instruction and curriculum improvement plan to align curriculum, assessment of student progress, and growth in meeting state and district academic standards and instruction.

VI. CURRICULUM DEVELOPMENT PROCESS

- A. Students who do not meet or exceed Minnesota academic standards, as measured by the Minnesota Comprehensive Assessments that are administered during high school, shall be informed that admission to a public school is free and available to any resident under 21 years of age or who meets the requirements of Minnesota Statutes, section 120A.20, subdivision 1(c). A student's plan under this section shall continue while the student is enrolled.
- B. The superintendent shall be responsible for keeping the school board informed of all state-mandated curriculum changes, as well as recommended discretionary changes, and for periodically presenting recommended modifications for school board review and approval.
- C. The superintendent shall have discretionary authority to develop guidelines and directives to implement school board policy relating to curriculum development.

Legal References: Minn. Stat. § 120A.20 (Admission to Public School)
Minn. Stat. § 120B.10 (Findings; Improving Instruction and Curriculum)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce)
Minn. Stat. § 120B.12 (Reading Proficiently No Later than the End of Grade 3)
Minn. Stat. § 120B.125(f) (Planning for Students' Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)
Minn. Stat. § 124D.59 (Definitions)
Minn. Rules Part 3500.0550 (Inclusive Educational Program)
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Part 3501.0820 (Academic Standards for the Arts)
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)
Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social

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Studies)
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

Cross References: MSBA/MASA Model Policy 604 (Instructional Curriculum)
MSBA/MASA Model Policy 605 (Alternative Programs)
MSBA/MASA Model Policy 613 (Graduation Requirements)
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)
MSBA/MASA Model Policy 616 (School District System Accountability)
MSBA/MASA Model Policy 618 (Assessment of Student Achievement)
MSBA/MASA Model Policy 619 (Staff Development for Standards)
MSBA/MASA Model Policy 620 (Credit for Learning)
MSBA/MASA Model Policy 623 (Mandatory Summer School Instruction)

DEVELOPMENT OF PARENT AND FAMILY ENGAGEMENT POLICIES FOR TITLE I PROGRAMS

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POLICY 612.1
SERIES 600 STUDENTS

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEVELOPMENT OF DISTRICT LEVEL POLICY

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

- A. Involve parents and family members in the joint development of the school district's Title I plan and the development of support and improvement plans;
- B. Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the school district in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
- C. Coordinate and integrate parent and family engagement strategies with similar strategies, to the extent feasible and appropriate, with other relevant federal, state, and local laws and programs;
- D. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of the schools served, including identifying barriers to greater participation by parents in parental involvement activities (with particular attention to, parents who are economically disadvantaged, disabled, have limited English proficiency, have limited literacy, or who are of a racial or ethnic minority background); the needs of parents and family members to assist with the

DEVELOPMENT OF PARENT AND FAMILY ENGAGEMENT POLICIES FOR TITLE I PROGRAMS

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learning of their children, including engaging with school personnel and teachers; and strategies to support successful school and family interactions;

- E. Use the findings of such evaluations to design evidence-based strategies for more effective parental involvement and to revise, if necessary, the district-level and school-level and family engagement policies; and
- F. Involve parents in the activities of the schools, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the school district to adequately represent the needs of the population served by the school district for the purposes of developing, revising, and reviewing the parent and family engagement policy.

IV. DEVELOPMENT OF SCHOOL LEVEL POLICY

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

- A. The policy will describe the means by which each school with a Title I program will:
 - 1. Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation in Title I programs, and to explain to parents of participating children the program, its requirements, and their right to be involved;
 - 2. Offer a flexible number of meetings, such as meetings in the morning or evening, and may provide with Title I funds transportation, child care, or home visits, as such services relate to parental involvement;
 - 3. Involve parents in an organized, ongoing, and timely way in the planning, review, and improvement of the parental involvement programs, including the planning, review, and improvement of the school parent and family engagement policy and the joint development of the school-wide program plan, except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children;
 - 4. Provide parents of participating children with: timely information about Title I programs; a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the challenging state academic standards; if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and to respond to any such suggestions as soon as practicably possible; and
 - 5. If the school-wide program plan is not satisfactory to the parents of participating children, submit any parent's comments on the plan when it is submitted to the school district.
- B. As a component of this policy, each school shall jointly develop with parents a

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school/parent compact which outlines how parents, staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the state's high standards. The compact shall:

1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to meet state student academic achievement standards;
 2. Describe the ways each parent will be responsible for supporting his or her child's learning by volunteering in his or her child's classroom and participating, as appropriate, in decisions relating to his or her child's education and use of extracurricular time.
 3. Address the importance of communication between teachers and parents on an on-going basis through the use of:
 - a. Annual parent-teacher conferences to discuss the compact and the child's achievement;
 - b. Frequent progress reports to the parents; and
 - c. Reasonable access to staff, opportunities to volunteer, participate in the child's class, and observe in the child's classroom.
 - d. Ensuring regular two-way, meaningful communication between family members and school staff and, to the extent practicable, in a language that family members can understand.
- C. To ensure effective involvement of parents and to support a partnership among the school, parents, and community to improve student academic achievement, the policy will describe how each school and the school district will:
1. Provide assistance to participating parents in understanding such topics as the state's academic content standards and state academic achievement standards, state and local academic assessments, Title I requirements, and how to monitor a child's progress and work with educators to improve the achievement of their children;
 2. Provide materials and training to assist parents in working with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;
 3. Educate school staff, with the assistance of parents, in the value and utility of contributions of parents and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and school;
 4. Coordinate and integrate parental involvement programs and activities with other federal, state, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children to the extent feasible and appropriate;
 5. Ensure, to the extent practicable, that information about school and parent meetings, programs, and activities is sent ~~home~~ to the parents of participating children in a format and, to the extent practicable, in a language the parents can

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

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

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

Cross References: None

SCHOOL DISTRICT SYSTEM ACCOUNTABILITY

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616 SCHOOL DISTRICT SYSTEM ACCOUNTABILITY

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

- A. "Credit" means a student's successful completion of an academic year of study or a student's mastery of the applicable subject matter, as determined by the school district.
- B. "World's best workforce" means striving to: meet school readiness goals; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.

IV. ESTABLISHMENT OF GOALS; IMPLEMENTATION; EVALUATION AND REPORTING

- A. School District Goals
 - 1. The school board has established school district-wide goals that provide broad direction for the school district. Incorporated in these goals are the graduation and education standards contained in the Minnesota K-12 Academic Standards and federal law. The broad goals shall be reviewed annually and approved by the school board. The school board shall adopt annual goals based on the recommendations of the school district's Advisory Committee.
 - 2. The District Advisory Committee created under Policy 603 (Curriculum Development) is established by the school board to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards.
 - 3. The school district-wide improvement goals should address recommendations identified through the District Advisory Committee process. The school district's goal setting process will include consideration of individual site goals. School district goals may also be developed through an education effectiveness program, an evaluation of student progress committee, or through some other locally determined process.

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- B. System for Reviewing All Instruction and Curriculum. Incorporated in the process will be analysis of the school district's progress toward implementation of the Minnesota Academic Standards. Instruction and curriculum shall be reviewed and evaluated by taking into account strategies and best practices, student outcomes, principal evaluations under Minnesota Statutes section 123B.147, and teacher evaluations under Minnesota Statutes section 122A.40 or 122A.41.
- C. Implementation of Graduation Requirements
1. The District Advisory Committee shall also advise the school board on implementation of the state and local graduation requirements, including K-12 curriculum, assessment, student learning opportunities, and other related issues. Recommendations of the District Advisory Committee shall be published annually to the community. The school board shall receive public input and comment and shall adopt or update this policy at least annually.
 2. The school board shall annually review and determine if student achievement levels at each school site meet federal expectations. If the school board determines that student achievement levels at a school site do not meet federal expectations and the site has not made adequate yearly progress for two consecutive school years, the District Advisory Committee shall work with the school site to adopt a plan to raise student achievement levels to meet federal expectations. The District Advisory Committee may seek assistance from the Commissioner of the Minnesota Department of Education (MDE) (Commissioner) in developing a plan which must include parental involvement components.
 3. The educational assessment system component utilized by the school board to measure individual students' educational progress must be based, to the extent annual tests are administered, on indicators of current achievement that show growth relative to an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. The school board will utilize models developed by the Commissioner for measuring individual student progress. The school board must coordinate with MDE in evaluating school sites and continuous improvement plans, consistent with best practices.
- D. Comprehensive Continuous Improvement of Student Achievement
1. By [date] of each year, the District Advisory Committee will meet to advise and assist the school district in the implementation of the school district system accountability and comprehensive continuous improvement process.
 2. The District Advisory Committee, working in cooperation with other committees of the school district [*such as the Technology, Educational Effectiveness, Grade Level, Site Instruction, Curriculum and Assessment Committees, etc.*], will provide active community participation in:
 - a. Reviewing the school district instructional and curriculum plan, with emphasis on implementing the Minnesota K-12 Academic Standards;
 - b. Identifying annual instruction and curriculum improvement goals for

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- recommendation to the school board;
 - c. Making recommendations regarding the evaluation process that will be used to measure school district progress toward its goals; and,
 - d. Advising the school board about development of the annual budget.
3. The District Advisory Committee shall meet the following criteria:
- a. The District Advisory Committee shall ensure active community participation in all planning for instruction and curriculum affecting Graduation Standards.
 - b. The District Advisory Committee shall make recommendations to the school board on school district-wide standards, assessments, and program evaluation.
 - c. Building teams may be established as subcommittees to develop and implement an education effectiveness plan and to carry out methods to improve instruction, curriculum, and assessments as well as methods to use technology in meeting the school district improvement plan.
 - d. A local plan to evaluate student progress, using a local process, shall be used for developing a plan for assessment of student progress toward the Graduation Standards, as well as program evaluation data for use by the District Advisory Committee in the instruction and curriculum review process. This plan shall annually be approved by the school board.
5. Translation services should be provided to the extent appropriate and practicable.
6. The District Advisory Committee shall meet the following timeline each year:
- Month: Organizational meeting of the Committee to review the authorizing legislation and the roles and responsibilities of the Committee as determined by the school board.
 - Month(s): Agree on the process to be used. Become familiar with the instruction and curriculum of the cycle content area.
 - Month(s): Review evaluation results and prepare recommendations.
 - Month: Present recommendations to the school board for its input and approval.
- E. Evaluation of Student Progress Committee. A committee of professional staff shall develop a plan for assessment of student progress, the Graduation Standards, as well as program evaluation data for use by the District Advisory Committee to review instruction and curriculum, cultural competencies, including cultural awareness and cross-cultural communication, and student achievement at the school site. This plan shall annually be approved by the school board.

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F. Reporting

1. Consistent with Minnesota Statutes, section 120B.36, subdivision. 1, the school board shall publish a report in the local newspaper with the largest circulation in the district, by mail, or by electronic means on the school district website. The school board shall hold an annual public meeting to review and revise, where appropriate, student achievement goals, local assessment outcomes, plans, strategies, and practices for improving curriculum and instruction and cultural competency and efforts to equitably distribute diverse, effective, experienced, and in-field teachers, and to review school district success in realizing the previously adopted student achievement goals and related benchmarks and the improvement plans leading to the world's best workforce. The school board must transmit an electronic summary of its report to the Commissioner in the form and manner the Commissioner determines. The school district shall periodically survey affected constituencies in their native languages, where appropriate and practicable, about their connection to and level of satisfaction with school. The school district shall include the results of this evaluation in its published reports and in its summary report to the Commissioner.
2. The school performance report for a school site and a school district must include performance reporting information and calculate proficiency rates as required by the most recently reauthorized Elementary and Secondary Education Act.
3. The school district must annually report the district's class size ratios by each grade to the commissioner of education in the form and manner specified by the commissioner.
4. The school district must report whether programs funded with compensatory revenue are consistent with best practices demonstrated to improve student achievement.

Legal References:

Minn. Stat. § 120B.018 (Definitions)
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce)
Minn. Stat. § 120B.35 (Student Academic Achievement and Growth)
Minn. Stat. § 120B.36 (School Accountability)
Minn. Stat. § 122A.40 (Employment; Contracts; Termination)
Minn. Stat. § 122A.41 (Teacher Tenure Act; Cities of the First Class; Definitions)
Minn. Stat. § 123B.04 (Site Decision Making; Individualized Learning Agreement; Other Agreements)
Minn. Stat. § 123B.147 (Principals)
Minn. Stat. § 126C.12 (Learning and Development Revenue Amount and Use)
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)

SCHOOL DISTRICT SYSTEM ACCOUNTABILITY

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Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

Cross References:

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

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620 CREDIT FOR LEARNING

I. PURPOSE

This policy recognizes student achievement that occurs in postsecondary enrollment option and other advanced enrichment programs. This policy also recognizes student achievement that occurs in other schools, in alternative learning sites, and in out-of-school experiences such as community organizations, work-based learning, and other educational activities and opportunities. This policy addresses transfer of student credit from out-of-state, private, or home schools and online learning programs and to address how the school district will recognize student achievement obtained outside of the school district.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to provide a process for awarding students credit toward graduation requirements for credits and grades students complete in other schools, postsecondary or higher education institutions, other learning environments, and online courses and programs.

III. DEFINITIONS

- A. "Accredited school" means a school that is accredited by an accrediting agency, recognized according to Minnesota Statutes, section 123B.445 or recognized by the Commissioner of the Minnesota Department of Education (Commissioner).
- B. "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by a secondary teacher or a postsecondary faculty member, and are offered at a high school for which the district is eligible to receive concurrent enrollment program aid under Minnesota Statutes, section 124D.091.
- C. "Course" means a course or program.
- D. "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.
- E. "Nonpublic school" is a private school or home school in which a child is provided instruction in compliance with the Minnesota compulsory attendance laws.
- F. "Weighted grade" is a letter or numerical grade that is assigned a numerical advantage when calculating the grade point average.

IV. TRANSFER OF CREDIT FROM OTHER SCHOOLS

- A. Transfer of Academic Requirements from Other Minnesota Public Secondary Schools
 - 1. The school district will accept and transfer secondary credits and grades awarded to a student from another Minnesota public secondary school upon presentation of a certified transcript from the transferring public secondary

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school evidencing the course taken and the grade and credit awarded.

2. Credits and grades awarded from another Minnesota public secondary school may be used to compute honor roll and/or class rank if a student has earned at least credits from the school district.

B. Transfer of Academic Requirements from Other Schools

1. The school district will accept secondary credits and grades awarded to a student for courses successfully completed at a public school outside of Minnesota or an accredited nonpublic school upon presentation of a certified transcript from the transferring public school in another state or nonpublic school evidencing the course taken and the grade and credit awarded.
 - a. When a determination is made that the content of the course aligns directly with school district graduation requirements, the student will be awarded commensurate credits and grades.
 - b. Commensurate credits and grades awarded from an accredited nonpublic school or public school in another state may be used to compute honor roll and/or class rank if a student has earned at least **[insert number]** credits from the school district.
 - c. In the event the content of a course taken at an accredited nonpublic school or public school in another state does not fully align with the content of the school district's high school graduation requirements but is comparable to elective credits offered by the school district for graduation, the student may be provided elective credit applied toward graduation requirements. Credit that does not fully align with the school district's high school graduation requirements will not be used to compute honor roll and/or class rank.
 - d. If no comparable course is offered by the school district for which high school graduation credit would be provided, no credit will be provided to the student.
2. Students transferring from a non-accredited, nonpublic school shall receive credit from the school district upon presentation of a transcript or other documentation evidencing the course taken and grade and credit awarded.
 - a. Students will be required to provide copies of course descriptions, syllabi, or work samples for determination of appropriate credit. In addition, students also may be asked to provide interviews/conferences with the student and/or student's parent and/or former administrator or teacher; review of a record of the student's entire curriculum at the nonpublic school; and review of the student's complete record of academic achievement.
 - b. Where the school district determines that a course completed by a student at a non-accredited, nonpublic school is commensurate with school district graduation requirements, credit shall be awarded, but the grade shall be "P" (pass).
 - c. In the event the content of a course taken at an non-accredited, nonpublic school does not fully align with the content of the school district's high school graduation requirements but is comparable to elective credits offered by the school district for graduation, the student may be provided elective credit applied toward graduation requirements.

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- d. If no comparable course is offered by the school district for which local high school graduation credit would be provided, no credit will be provided to the student.
- e. Credit and grades earned from a non-accredited nonpublic school shall not be used to compute honor roll and/or class rank.
- C. A student must provide the school with a copy of the student's grades in each course taken for secondary credit under this policy, including interim or nonfinal grades earned during the academic term.

V. POSTSECONDARY ENROLLMENT CREDIT

- A. A student who satisfactorily completes a postsecondary enrollment options course or program under Minnesota Statutes, section 124D.09 that has been approved as meeting the necessary requirements is not required to complete other requirements of the academic standards corresponding to that specific rigorous course of study.
- B. Secondary credits granted to a student through a postsecondary enrollment options course or program must be counted toward the graduation requirements and subject area requirements of the district.
 - 1. Course credit will be considered by the school district only upon presentation of a certified transcript from an eligible institution evidencing the course taken and the grade and credit awarded.
 - 2. Seven quarter or four semester postsecondary credits shall equal at least one full year of high school credit. Fewer postsecondary credits may be prorated.
 - 3. When a determination is made that the content of the postsecondary course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
 - 4. In the event the content of the postsecondary course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the school district for graduation, the school district may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
 - 5. If no comparable course is offered by the school district for which high school graduation credit would be provided, the school district will notify the Commissioner, who shall determine the number of credits that shall be granted to a student.
 - 6. When secondary credit is granted for postsecondary credits taken by a student, the school district will record those credits on the student's transcript as credits earned at a postsecondary institution.
- C. A list of the courses or programs meeting the necessary requirements may be obtained from the school district.
- D. By the earlier of (1) three weeks prior to the date by which a student must register for district courses for the following school year, or (2) March 1 of each year, the school district must provide up-to-date information on the district's website and in materials

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that are distributed to parents and students about the program, including information about enrollment requirements and the ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11.

VI. CREDIT FOR EMPLOYMENT WITH HEALTH CARE PROVIDERS

Consistent with the career and technical pathways program, a student in grade 11 or 12 who is employed by an institutional long-term care or licensed assisted living facility, a home and community-based services and supports provider, a hospital or health system clinic, or a child care center may earn up to two elective credits each year toward graduation under Minnesota Statutes, section 120B.024, subdivision 1, paragraph (a), clause (7), at the discretion of the enrolling school district. A student may earn one elective credit for every 350 hours worked, including hours worked during the summer. A student who is employed by an eligible employer must submit an application, in the form or manner required by the school district, for elective credit to the school district in order to receive elective credit. The school district must verify the hours worked with the employer before awarding elective credit.

VII. ADVANCED ACADEMIC CREDIT

- A. The school district will grant academic credit to a student attending an accelerated or advanced academic course offered by a higher education institution or a nonprofit public agency, other than the school district.
- B. Course credit will be considered only upon official documentation from the higher education institution or nonprofit public agency that the student successfully completed the course attended and passed an examination approved by the school district.
- C. When a determination is made that the content of the advanced academic course aligns directly with a required course for high school graduation, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
- D. In the event the content of the advanced academic course does not fully align with the content of a high school course required for graduation but is comparable to elective credits offered by the school district for graduation, the school district may provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
- E. If no comparable course is offered by the school district for which high school graduation credit would be provided, the school district will notify the Commissioner and request a determination of the number of credits that shall be granted to a student.

VIII. WEIGHTED GRADES

- A. The school district does not offer weighted grades.
- A. The school district offers weighted grades for courses that are identified as more rigorous or academically challenging as follows:
 - 1. A grade awarded in an Advanced Placement course will be multiplied by a factor of ____ (i.e., 1.07).
 - 2. A grade awarded in an Honors course will be multiplied by a factor of ____.
 - 3. A grade awarded in a College In the Schools course will be multiplied by a factor of ____.

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4. A grade awarded in a course taken through a Postsecondary Enrollment Options program will be multiplied by a factor of ____.
5. A grade awarded in a course in a dual enrollment course will be multiplied by a factor of ____.
- B. The school district will update its website prior to the beginning of each school year with a listing of the courses for which a student may earn a weighted grade.

IX. PROCESS FOR AWARDING CREDIT

- A. The building principal will be responsible for carrying out the process to award credits and grades pursuant to this policy. The building principal will notify students in writing of the decision as to how credits and grades will be awarded.
- B. A student or the student's parent or guardian may seek reconsideration of the decision by the building principal as to credits and/or grades awarded upon request of a student or the student's parent or guardian if the request is made in writing to the superintendent within five school days of the date of the building principal's decision. The request should set forth the credit and/or grade requested and the reason(s) why credit(s)/grade(s) should be provided as requested. Any pertinent documentation in support of the request should be submitted.
- C. The decision of the superintendent as to the award of credits or grades shall be a final decision by the school district and shall not be appealable by the student or student's parent or guardian except as set forth in Section IX.D. below.
- D. If a student disputes the number of credits granted by the school district for a particular postsecondary enrollment course, or advanced academic credit course, the student may appeal the school district's decision to the Commissioner. The decision of the Commissioner shall be final.
- E. At any time during the process, the building principal or superintendent may ask for course descriptions, syllabi, or work samples from a course where content of the course is in question for purposes of determining alignment with graduation requirements or the number of credits to be granted. Students will not be provided credit until requested documentation is available for review, if requested.

Legal References: Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)
Minn. Stat. § 120B.021 (Required Academic Standards)
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce)
Minn. Stat. § 120B.14 (Advanced Academic Credit)
Minn. Stat. § 123B.02 (General Powers of Independent School Districts)
Minn. Stat. § 123B.445 (Nonpublic Education Council)
Minn. Stat. § 124D.03, Subd. 9 (Enrollment Options Program)
Minn. Stat. § 124D.09 (Postsecondary Enrollment Options Act)
Minn. Stat. § 124D.094 (Online Instruction Act)

Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)
Minn. Rules Parts 3501.0820 (Academic Standards for the Arts)

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Minn. Rules Parts 3501.0900-3501.0960 (Academic Standards in Science)
Minn. Rules Parts 3501.1200-3501.1210 (Academic Standards for English Language Development)
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)

Cross References: MSBA/MASA Model Policy 104 (School District Mission Statement)
MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)
MSBA/MASA Model Policy 613 (Graduation Requirements)
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)
MSBA/MASA Model Policy 616 (School District System Accountability)
MSBA/MASA Model Policy 618 (Assessment of Student Achievement)
MSBA/MASA Model Policy 624 (Online Instruction)

STUDENT TRANSPORTATION POLICY

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709 STUDENT TRANSPORTATION SAFETY POLICY

I. PURPOSE

The purpose of this policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership.

II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING

A. School Bus Safety Week

The school district may designate a school bus safety week. The National School Bus Safety Week is the third week in October.

B. Student School Bus Safety Training

1. The school district shall provide students enrolled in grades kindergarten (K) through 10 with age-appropriate school bus safety training of the following concepts:
 - a. transportation by school bus is a privilege, not a right;
 - b. school district policies for student conduct and school bus safety;
 - c. appropriate conduct while on the bus;
 - d. the danger zones surrounding a school bus;
 - e. procedures for safely boarding and leaving a school bus;
 - f. procedures for safe vehicle lane crossing; and
 - g. school bus evacuation and other emergency procedures.
2. All students in grades K through 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training by the end of the third week of school. All students in grades 7 through 10 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training or receive bus safety instruction materials by the end of the sixth week of school, if they have not previously received school bus training. Students in grades K through 10 who enroll in a school after the second week of school, are transported by school bus, and have not received training in their previous school districts shall undergo school bus safety training or receive bus safety instructional materials within 4 weeks of their first day of attendance.
3. The school district and a nonpublic school with students transported by school bus at public expense must provide students enrolled in grades K through 3 school bus safety training twice during the school year.
4. Students taking driver's training instructional classes must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus as required by Minnesota Statutes, section 169.446, subdivision 2.

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5. The school district and a nonpublic school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.
 6. The school district will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
 7. The school district may provide kindergarten students with school bus safety training before the first day of school.
 8. The school district shall adopt and make available for public review a curriculum for transportation safety education.
 9. Nonpublic school students transported by the school district will receive school bus safety training by their nonpublic school. The nonpublic schools may use the school district's school transportation safety education curriculum. Upon request by the school district superintendent, the nonpublic school must certify to the school district's school transportation safety director that all students enrolled in grades K through 10 have received the appropriate training.
- C. Active Transportation Safety Training
1. Training required
 - a. The school district must provide public school pupils enrolled in kindergarten through grade 3 with age-appropriate active transportation safety training. At a minimum, the training must include pedestrian safety, including crossing roads.
 - b. The school district must provide pupils enrolled in grades 4 through 8 with age-appropriate active transportation safety training. At a minimum, the training must include:
 - (1) pedestrian safety, including crossing roads safely using the searching left, right, left for vehicles in traffic technique; and
 - (2) bicycle safety, including relevant traffic laws, use and proper fit of protective headgear, bicycle parts and safety features, and safe biking techniques.
 2. Deadlines.
 - a. Students under subdivision 1, paragraph (a), who are enrolled during the first or second week of school and have not previously received active transportation safety training specified in that paragraph must receive the safety training by the end of the third week of school.
 - b. Students under subdivision 1, paragraph (b), who are enrolled during the first or second week of school and have not previously received active transportation safety training specified in that paragraph must receive the safety training by the end of the sixth week of school.

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- c. Students under subdivision 1, paragraph (a) or (b), who enroll in a school after the second week of school and have not received the appropriate active transportation safety training in their previous school district must undergo the training or receive active transportation safety instructional materials within four weeks of the first day of attendance.
 - d. The school district and a nonpublic school may provide kindergarten pupils with active transportation safety training before the first day of school.
3. Instruction
- a. The school district may provide active transportation safety training through distance learning.
 - b. The district and a nonpublic school must make reasonable accommodations for the active transportation safety training of pupils known to speak English as a second language and pupils with disabilities.

III. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

- A. Riding the school bus is a privilege, not a right. The school district's general student behavior rules are in effect for all students on school buses, including nonpublic and charter school students.
- B. Consequences for school bus/bus stop misconduct will be imposed by the school district under adopted administrative discipline procedures. In addition, all school bus/bus stop misconduct will be reported to the school district's transportation safety director. Serious misconduct may be reported to local law enforcement.
 - 1. School Bus and Bus Stop Rules. The school district school bus safety rules are to be posted on every bus. If these rules are broken, the school district's discipline procedures are to be followed. In most circumstances, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the school district's Transportation Office/School Office.
 - 2. Rules at the Bus Stop
 - a. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will not wait for late students.
 - b. Respect the property of others while waiting at your bus stop.
 - c. Keep your arms, legs, and belongings to yourself.
 - d. Use appropriate language.
 - e. Stay away from the street, road, or highway when waiting for the bus.
 - f. Wait until the bus stops before approaching the bus.
 - g. After getting off the bus, move away from the bus.
 - h. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing

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the street.

- i. No fighting, harassment, intimidation, or horseplay.
- j. No use of alcohol, tobacco, or drugs.

3. Rules on the Bus

- a. Immediately follow the directions of the driver.
- b. Sit in your seat facing forward.
- c. Talk quietly and use appropriate language.
- d. Keep all parts of your body inside the bus.
- e. Keep your arms, legs, and belongings to yourself.
- f. No fighting, harassment, intimidation, or horseplay.
- g. Do not throw any object.
- h. No eating, drinking, or use of alcohol, tobacco, or drugs.
- i. Do not bring any weapons or dangerous objects on the school bus.
- j. Do not damage the bus.

4. Consequences

- a. Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with cocurricular and extracurricular events (for example, field trips or competitions) will be in the sole discretion of the school district. Parents or guardians will be notified of any suspension of bus privileges.

(1) Elementary (K-6)

1st offense – warning

2nd offense – 3 school-day suspension from riding the bus

3rd offense – 5 school-day suspension from riding the bus

4th offense – 10 school-day suspension from riding the bus/meeting with parent

Further offenses – individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.

(2) Secondary (7-12)

1st offense – warning

2nd offense – 5 school-day suspension from riding the bus

3rd offense – 10 school-day suspension from riding the bus

4th offense – 20 school-day suspension from riding the bus/meeting with parent

5th offense – suspended from riding the bus for the remainder of the school year

Note: When any student goes 60 transportation days without a report, the

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student's consequences may start over at the first offense.

(3) Other Discipline

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school bus/bus stop misconduct.

(4) Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a school bus or in a bus-loading or unloading area that are reasonably believed to cause an immediate and substantial danger to the student or surrounding persons or property shall be provided by the school district to local law enforcement and the Department of Public Safety in accordance with state and federal law.

(5) Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within 2 weeks may result in the loss of bus privileges until damages are paid.

(6) Notice

School bus and bus stop rules and consequences for violations of these rules will be reviewed with students annually and copies of these rules will be made available to students. School bus rules are to be posted on each school bus.

(7) Criminal Conduct

In cases involving criminal conduct (for example, assault, weapons, drug possession, or vandalism), the appropriate school district personnel and local law enforcement officials will be informed.

IV. PARENT AND GUARDIAN INVOLVEMENT

A. Parent and Guardian Notification

The school district school bus and bus stop rules will be provided to each family. Parents and guardians are asked to review the rules with their children.

B. Parents/Guardians Responsibilities for Transportation Safety

Parents/Guardians are responsible to:

1. Become familiar with school district rules, policies, regulations, and the

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- principles of school bus safety, and thoroughly review them with their children;
2. Support safe riding and walking practices, and recognize that students are responsible for their actions;
 3. Communicate safety concerns to their school administrators;
 4. Monitor bus stops, if possible;
 5. Have their children to the bus stop 5 minutes before the bus arrives;
 6. Have their children properly dressed for the weather; and
 7. Have a plan in case the bus is late.

V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

- A. School bus drivers shall have a valid Class A, B, or C Minnesota driver's license with a school bus endorsement. A person possessing a valid driver's license, without a school bus endorsement, may drive a type III vehicle set forth in Sections VII.B. and VII.C., below. Drivers with a valid Class D driver's license, without a school bus endorsement, may operate a "type A-I" school bus as set forth in Section VII.D., below.
- B. The school district shall conduct mandatory drug and alcohol testing of all school district bus drivers and bus driver applicants in accordance with state and federal law and school district policy.
- C. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of a criminal offense, a serious traffic violation, or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in a state or jurisdiction other than Minnesota, shall notify the Minnesota Division of Driver and Vehicle Services (Division) of the conviction within 30 days of the conviction. For purposes of this paragraph, a "serious traffic violation" means a conviction of any of the following offenses:
 1. excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
 2. reckless driving;
 3. improper or erratic traffic lane changes;
 4. following the vehicle ahead too closely;
 5. a violation of state or local law, relating to motor vehicle traffic control, arising in connection with a fatal accident;
 6. driving a commercial vehicle without obtaining a commercial driver's license or without having a commercial driver's license in the driver's possession;
 7. driving a commercial vehicle without the proper class of commercial driver's

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license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;

8. a violation of a state or local law prohibiting texting while driving a commercial vehicle; and
 9. a violation of a state or local law prohibiting the use of a hand-held mobile telephone while driving a commercial vehicle.
- D. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a commercial driver's license and who is convicted of violating, in any type of motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control, other than a parking violation, shall notify the person's employer of the conviction within 30 days of conviction. The notification shall be in writing and shall contain all the information set forth in Attachment A accompanying this policy.
- E. A school bus driver, with the exception of a driver operating a type A-I school bus or type III vehicle, who has a Minnesota commercial driver's license suspended, revoked, or cancelled by the state of Minnesota or any other state or jurisdiction and who loses the right to operate a commercial vehicle for any period or who is disqualified from operating a commercial motor vehicle for any period shall notify the person's employer of the suspension, revocation, cancellation, lost privilege, or disqualification. Such notification shall be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification. The notification shall be in writing and shall contain all the information set forth in Attachment B accompanying this policy.
- F. A person who operates a type III vehicle and who sustains a conviction as described in Section VII.C.1.g. (i.e., driving while impaired offenses), VII.C.1.h. (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor), or VII.C.1.i. (multiple moving violations) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the person's employer within 10 days of the date of the conviction. The notification shall be in writing and shall contain all the information set forth in Attachment C accompanying this policy.

VI. SCHOOL BUS DRIVER TRAINING

A. Training

1. All new school bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction, before transporting students and shall meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual. All school bus drivers shall receive in-service training annually. For purposes of this section, "annually" means at least once every 380 days from the initial or previous evaluation and at least once every 380 days from the initial or previous license verification. The school district shall retain on file an annual individual school bus driver "evaluation certification" form for each school district driver as contained in the Model School Bus Driver Training Manual.
2. All bus drivers operating a type III vehicle will be provided with annual training and certification as set forth in Section VII.C.1.b., below, by either the school district or the entity from whom such services are contracted by the school

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district.

B. Evaluation

School bus drivers with a Class D license will be evaluated annually and all other bus drivers will be assessed periodically for the following competencies:

1. Safely operate the type of school bus the driver will be driving;
2. Understand student behavior, including issues relating to students with disabilities;
3. Ensure orderly conduct of students on the bus and handling incidents of misconduct appropriately;
4. Know and understand relevant laws, rules of the road, and local school bus safety policies;
5. Handle emergency situations; and
6. Safely load and unload students.

The evaluation must include completion of an individual "school bus driver evaluation form" (road test evaluation) as contained in the Model School Bus Driver Training Manual.

VII. OPERATING RULES AND PROCEDURES

A. General Operating Rules

1. School buses shall be operated in accordance with state traffic and school bus safety laws and the procedures contained in the Minnesota Department of Public Safety Model School Bus Driver Training Manual.
2. Only students assigned to the school bus by the school district shall be transported. The number of students or other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.
3. The parent/guardian may designate, pursuant to school district policy, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet all other eligibility requirements.
4. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
5. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.
6. A bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion or a part of traffic. For purposes of this paragraph, "school bus" has the meaning given in Minnesota Statutes,

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section 169.011, subdivision 71. In addition, "school bus" also includes type III vehicles when driven by employees or agents of the school district. "Cellular phone" means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service.

B. Type III Vehicles

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. Vehicles model year 2007 or older must not be used as type III vehicles to transport school children, except those vehicles that are manufactured to meet the structural requirements of federal motor vehicle safety standard 222, Code of Federal Regulations, title 49, part 571.
5. If a type III vehicle is school district owned, the school district name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.
9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any type III vehicle used to transport students must carry emergency equipment including:
 - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket and must be located in the driver's compartment and be

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readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.

- b. First aid kit and body fluids cleanup kit. A minimum of a 10-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.
 - c. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
- 11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The school district has no system of inspection for private vehicles.
 - 12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school district will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.
 - 13. Type III vehicles will be equipped with child passenger restraints, and child passenger restraints will be utilized to the extent required by law.

C. Type III Vehicle Driven by Employees with a Driver's License Without a School Bus Endorsement

- 1. The holder of a Class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:
 - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the school district.
 - b. The operator's employer, which may include the school district, has adopted and implemented a policy that provides for annual training and certification of the operator in:
 - (1) safe operation of a type III vehicle;
 - (2) understanding student behavior, including issues relating to students with disabilities;
 - (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
 - (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

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- (5) handling emergency situations;
 - (6) proper use of seat belts and child safety restraints;
 - (7) performance of pretrip vehicle inspections;
 - (8) safe loading and unloading of students, including, but not limited to:
 - (a) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;
 - (b) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
 - (c) avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location;
 - (d) placing the type III vehicle in "park" during loading and unloading;
 - (e) escorting a student across the road under clause (c) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and
 - (9) compliance with paragraph V.F. concerning reporting convictions to the employer within 10 days of the date of conviction.
- c. A background check or background investigation of the operator has been conducted that meets the requirements under Minnesota Statutes, section 122A.18, subdivision 8, or Minnesota Statutes, section 123B.03 for school district employees; Minnesota Statutes, section 144.057 or Minnesota Statutes, chapter 245C for day care employees; or Minnesota Statutes, section 171.321, subdivision 3, for all other persons operating a type III vehicle under this section.
 - d. Operators shall submit to a physical examination as required by Minnesota Statutes, section 171.321, subdivision 2.
 - e. The operator's employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer's policy under Minnesota Statutes, section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a breathalyzer or similar device to fulfill random alcohol testing requirements.

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- f. The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required by Minnesota Statutes section 171.321, subdivision 5.
 - g. A person who sustains a conviction, as defined under Minnesota Statutes, 609.02, of violating Minnesota Statutes, section 169A.25, 169A.26, 169A.27 (driving while impaired offenses), or 169A.31 (alcohol-related school bus driver offenses), or whose driver's license is revoked under Minnesota Statutes, sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for 5 years from the date of conviction.
 - h. A person who has ever been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215, subdivision 1(c), (i.e., felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
 - i. A person who sustains a conviction, as defined under Minnesota Statutes, section 609.02, of a moving offense in violation of Minnesota Statutes, chapter 169 within 3 years of the first of 3 other moving offenses is precluded from operating a type III vehicle for 1 year from the date of the last conviction.
 - j. Students riding the type III vehicle must have training required under Minnesota Statutes, section 123B.90, Subd. 2 (See Section II.B., above).
 - k. Documentation of meeting the requirements listed in this section must be maintained under separate file at the business location for each type III vehicle operator. The school district or any other entity that owns, leases, or contracts for the type III vehicle operating under this section is responsible for maintaining these files for inspection.
 - 2. The Type III vehicle must bear a current certificate of inspection issued under Minnesota Statutes, section 169.451.
 - 3. An employee of the school district who is not employed for the sole purpose of operating a type III vehicle may, in the discretion of the school district, be exempt from paragraphs VII.C.1.d. (physical examination) and VII.C.1.e. (drug testing), above.
- D. Type A-I "Activity" Buses Driven by Employees with a Driver's License Without a School Bus Endorsement
- 1. The holder of a Class D driver's license, without a school bus endorsement, may operate a type A-I school bus or a Multifunction School Activity Bus (MFSAB) under the following conditions:
 - a. The operator is an employee of the school district or an independent contractor with whom the school district contracts for the school bus

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and is not solely hired to provide transportation services under this paragraph.

- b. The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.
 - c. The operator is prohibited from using the 8-light system if the vehicle is so equipped.
 - d. The operator has submitted to a background check and physical examination as required by Minnesota Statutes, section 171.321, subdivision 2.
 - e. The operator has a valid driver's license and has not sustained a conviction of a disqualifying offense as set forth in Minnesota Statutes, section 171.02, subdivisions 2a(h) - 2a(j).
 - f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses," if child safety restraints are used by passengers, in addition to the training required in Section VI., above.
 - g. The bus has a gross vehicle weight rating of 14,500 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
2. The school district shall maintain annual certification of the requirements listed in this section for each Class D license operator.
 3. A school bus operated under this section must bear a current certificate of inspection.
 4. The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this section.

VIII. SCHOOL DISTRICT EMERGENCY PROCEDURES

- A. If possible, school bus drivers or their supervisors shall call "911" or the local emergency phone number in the event of a serious emergency.
- B. School bus drivers shall meet the emergency training requirements contained in Unit III "Crash & Emergency Preparedness" of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).
- C. School bus drivers and bus assistants for special education students requiring special transportation service because of their handicapping condition shall be trained in basic first aid procedures, shall within one (1) month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities, assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.

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- D. Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of their handicapping condition. The information shall state:
1. the student's name and address;
 2. the nature of the student's disabilities;
 3. emergency health care information; and
 4. the names and telephone numbers of the student's physician, parents, guardians, or custodians, and some person other than the student's parents or custodians who can be contacted in case of an emergency.

IX. SCHOOL DISTRICT VEHICLE MAINTENANCE STANDARDS

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the school district.
- B. All school vehicles shall be state inspected in accordance with legal requirements.
- C. A copy of the current daily pre-trip inspection report must be carried in the bus. Daily pre-trip inspections shall be maintained on file in accordance with the school district's record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.
- D. Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism.

X. SCHOOL TRANSPORTATION SAFETY DIRECTOR

The school board has designated an individual to serve as the school district's school transportation safety director. The school transportation safety director shall have day-to-day responsibility for student transportation safety, including transportation of nonpublic school children when provided by the school district. The school transportation safety director will assure that this policy is periodically reviewed to ensure that it conforms to law. The school transportation safety director shall certify annually to the school board that each school bus driver meets the school bus driver training competencies required Minnesota Statutes, section 171.321, subdivision 4. The transportation safety director also shall annually verify or ensure that the private contractor utilized by the school has verified the validity of the driver's license of each employee who regularly transports students for the school district in a type A, B, C, or D school bus, type III vehicle, or MFSAB with the National Driver Register or the Department of Public Safety. Upon request of the school district superintendent or the superintendent of the school district where nonpublic students are transported, the school transportation safety director also shall certify to the superintendent that students have received school bus safety training in accordance with state law. The name, address and telephone number of the school transportation safety director are on file in the school district office. Any questions regarding student transportation or this policy may be addressed to the school transportation safety director.

XI. STUDENT TRANSPORTATION SAFETY COMMITTEE

The school board may establish a student transportation safety committee. The chair of the student transportation safety committee is the school district's school transportation safety

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director. The school board shall appoint the other members of the student transportation safety committee. Membership may include parents, school bus drivers, representatives of school bus companies, local law enforcement officials, other school district staff, and representatives from other units of local government.

Legal References: Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)
Minn. Stat. § 123B.03 (Background Check)
Minn. Stat. § 123B.42 (Textbooks; Individual Instruction or Cooperative Learning Material; Standard Tests)
Minn. Stat. § 123B.88 (Independent School Districts; Transportation)
Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)
Minn. Stat. § 123B.90 (School Bus Safety Training)
Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)
Minn. Stat. § 123B.935 (Active Transportation Safety Training)
Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)
Minn. Stat. Ch. 169 (Traffic Regulations)
Minn. Stat. § 169.011, Subds. 15, 16, and 71 (Definitions)
Minn. Stat. § 169.02 (Scope)
Minn. Stat. § 169.443 (Safety of School Children; Bus Driver's Duties)
Minn. Stat. § 169.446, Subd. 2 (Safety of School Children; Training and Education Rules)
Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)
Minn. Stat. § 169.454 (Type III Vehicle Standards)
Minn. Stat. § 169.4582 (Reportable Offense on School Buses) Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)
Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)
Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)
Minn. Stat. § 171.168 (Notice of Violation by Commercial Driver)
Minn. Stat. § 171.169 (Notice of Commercial License Suspension)
Minn. Stat. § 171.321 (Qualifications of School Bus and Type III Vehicle Drivers)
Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)
Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)
Minn. Stat. Ch. 245C (Human Services Background Studies)
Minn. Stat. § 609.02 (Definitions)
Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)
49 C.F.R. Part 383 (Commercial Driver's License Standards; Requirements and Penalties)
49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)
49 C.F.R. § 383.33 (Notification of Driver's License Suspensions)
49 C.F.R. § 383.5 (Transportation Definitions)
49 C.F.R. § 383.51 (Disqualification of Drivers)
49 C.F.R. Part 571 (Federal Motor Vehicle Safety Standards)

Cross References: MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 707 (Transportation of Public Students)
MSBA/MASA Model Policy 708 (Transportation of Nonpublic Students)
MSBA/MASA Model Policy 710 (Extracurricular Transportation)

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721 UNIFORM GRANT GUIDANCE POLICY REGARDING FEDERAL REVENUE SOURCES

I. PURPOSE

The purpose of this policy is to ensure compliance with the requirements of the federal Uniform Grant Guidance regulations by establishing uniform administrative requirements, cost principles, and audit requirements for federal grant awards received by the school district.

II. DEFINITIONS

A. Grants

1. "State-administered grants" are those grants that pass through a state agency such as the Minnesota Department of Education (MDE).
2. "Direct grants" are those grants that do not pass through another agency such as MDE and are awarded directly by the federal awarding agency to the grantee organization. These grants are usually discretionary grants that are awarded by the U.S. Department of Education (DOE) or by another federal awarding agency.

B. "Non-federal entity" means a state, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a federal award as a recipient or subrecipient.

C. "Federal award" has the meaning, depending on the context, in either paragraph 1. or 2. of this definition:

1.
 - a. The federal financial assistance that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 Code of Federal Regulations section 200.101 (Applicability); or
 - b. The cost-reimbursement contract under the federal Acquisition Regulations that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 Code of Federal Regulations section 200.101 (Applicability).
2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (b) of 2 Code of Federal Regulations section 200.40 (Federal Financial Assistance), or the cost-reimbursement contract awarded under the federal Acquisition Regulations.
3. "Federal award" does not include other contracts that a federal agency uses to buy goods or services from a contractor or a contract to operate federal-government-owned, contractor-operated facilities.

D. "Contract" means a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term, as used in 2 Code of Federal Regulations Part 200, does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward.

E. Procurement Methods

1. "Procurement by micro-purchase" is the acquisition of supplies or services, the

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aggregate dollar amount of which does not exceed the micro-purchase threshold (generally \$10,000, except as otherwise discussed in 48 Code of Federal Regulations Subpart 2.1 or as periodically adjusted for inflation).

2. "Procurement by small purchase procedures" are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$250,000 (periodically adjusted for inflation).
 3. "Procurement by sealed bids (formal advertising)" is a publicly solicited and a firm, fixed-price contract (lump sum or unit price) awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.
 4. "Procurement by competitive proposals" is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids.
 5. "Procurement by noncompetitive proposals" is procurement through solicitation of a proposal from only one source.
- F. "Equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or \$5,000.
- G. "Compensation for personal services" includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the federal award, including, but not necessarily limited to, wages and salaries. Compensation for personal services may also include fringe benefits which are addressed in 2 Code of Federal Regulations section 200.431 (Compensation - Fringe Benefits).
- H. "Post-retirement health plans" refer to costs of health insurance or health services not included in a pension plan covered by 2 Code of Federal Regulations section 200.431(g) for retirees and their spouses, dependents, and survivors.
- I. "Severance pay" is a payment in addition to regular salaries and wages by the non-federal entities to workers whose employment is being terminated.
- J. "Direct costs" are those costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.
- K. "Relocation costs" are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period not less than 12 months) of an existing employee or upon recruitment of a new employee.
- L. "Travel costs" are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the school district.

III. CONFLICT OF INTEREST

- A. Employee Conflict of Interest. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or

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she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees, officers, and agents of the school district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the school district may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by employees, officers, or agents of the school district.

- B. Organizational Conflicts of Interest. The school district is unable or appears to be unable to be impartial in conducting a procurement action involving the related organization because of relationships with a parent company, affiliate, or subsidiary organization.
- C. Disclosing Conflicts of Interest. The school district must disclose in writing any potential conflict of interest to MDE in accordance with applicable federal awarding agency policy.

IV. ACCEPTABLE METHODS OF PROCUREMENT

- A. General Procurement Standards. The school district must use its own documented procurement procedures which reflect applicable state laws, provided that the procurements conform to the applicable federal law and the standards identified in the Uniform Grant Guidance.
- B. The school district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- C. The school district's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.
- D. The school district must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- E. The school district must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement; selection of the contract type; contractor selection or rejection; and the basis for the contract price.
- F. The school district alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the school district of any contractual responsibilities under its contracts.
- G. The school district must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

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- H. Methods of Procurement. The school district must use one of the following methods of procurement:
1. Procurement by micro-purchases. To the extent practicable, the school district must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the school district considers the price to be reasonable.
 2. Procurement by small purchase procedures. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
 3. Procurement by sealed bids (formal advertising).
 4. Procurement by competitive proposals. If this method is used, the following requirements apply:
 - a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - b. Proposals must be solicited from an adequate number of qualified sources;
 - c. The school district must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - e. The school district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method where price is not used as a selection factor can only be used in procurement of A/E professional services; it cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.
 5. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals may be used only when one or more of the following circumstances apply:
 - a. The item is available only from a single source;
 - b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - c. The DOE or MDE expressly authorizes noncompetitive proposals in response to a written request from the school district; or
 - d. After solicitation of a number of sources, competition is determined inadequate.
- I. Competition. The school district must have written procedures for procurement

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transactions. These procedures must ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When making a clear and accurate description of the technical requirements is impractical or uneconomical, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
 2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- J. The school district must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the school district must not preclude potential bidders from qualifying during the solicitation period.
- K. Non-federal entities are prohibited from contracting with or making subawards under "covered transactions" to parties that are suspended or debarred or whose principals are suspended or debarred. "Covered transactions" include procurement contracts for goods and services awarded under a grant or cooperative agreement that are expected to equal or exceed \$25,000.
- L. All nonprocurement transactions entered into by a recipient (i.e., subawards to subrecipients), irrespective of award amount, are considered covered transactions, unless they are exempt as provided in 2 Code of Federal Regulations section 180.215.

V. MANAGING EQUIPMENT AND SAFEGUARDING ASSETS

- A. Property Standards. The school district must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with federal funds as provided to property owned by the non-federal entity. Federally owned property need not be insured unless required by the terms and conditions of the federal award.

The school district must adhere to the requirements concerning real property, equipment, supplies, and intangible property set forth in 2 Code of Federal Regulations sections 200.311, 200.314, and 200.315.

- B. Equipment

Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, at a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate

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disposition data, including the date of disposition and sale price of the property.

2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
4. Adequate maintenance procedures must be developed to keep property in good condition.
5. If the school district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

VI. FINANCIAL MANAGEMENT REQUIREMENTS

- A. Financial Management. The school district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award.
- B. Payment. The school district must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement between the school district and the financial management systems that meet the standards for fund control.

Advance payments to a school district must be limited to the minimum amounts needed and timed to be in accordance with the actual, immediate cash requirements of the school district in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The school district must make timely payment to contractors in accordance with the contract provisions.

- C. Internal Controls. The school district must establish and maintain effective internal control over the federal award that provides reasonable assurance that the school district is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States, or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The school district must comply with federal statutes, regulations, and the terms and conditions of the federal award.

The school district must also evaluate and monitor the school district's compliance with statutes, regulations, and the terms and conditions of the federal award.

The school district must also take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.

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The school district must take reasonable measures to safeguard protected personally identifiable information considered sensitive consistent with applicable federal and state laws regarding privacy and obligations of confidentiality.

VII. ALLOWABLE USE OF FUNDS AND COST PRINCIPLES

- A. Allowable Use of Funds. The school district administration and board will enforce appropriate procedures and penalties for program, compliance, and accounting staff responsible for the allocation of federal grant costs based on their allowability and their conformity with federal cost principles to determine the allowability of costs.
- B. Definitions
 1. "Allowable cost" means a cost that complies with all legal requirements that apply to a particular federal education program, including statutes, regulations, guidance, applications, and approved grant awards.
 2. "Education Department General Administrative Regulations (EDGAR)" means a compilation of regulations that apply to federal education programs. These regulations contain important rules governing the administration of federal education programs and include rules affecting the allowable use of federal funds (including rules regarding allowable costs, the period of availability of federal awards, documentation requirements, and grants management requirements). EDGAR can be accessed at: <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>.
 3. "Omni Circular" or "2 Code of Federal Regulations Part 200s" or "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" means federal cost principles that provide standards for determining whether costs may be charged to federal grants.
 4. "Advance payment" means a payment that a federal awarding agency or passthrough entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the non-federal entity disburses the funds for program purposes.
- C. Allowable Costs. The following items are costs that may be allowable under the 2 Code of Federal Regulations Part 200s under specific conditions:
 1. Advisory councils;
 2. Audit costs and related services;
 3. Bonding costs;
 4. Communication costs;
 5. Compensation for personal services;
 6. Depreciation and use allowances;
 7. Employee morale, health, and welfare costs;
 8. Equipment and other capital expenditures;
 9. Gains and losses on disposition of depreciable property and other capital assets and substantial relocation of federal programs;

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10. Insurance and indemnification;
11. Maintenance, operations, and repairs;
12. Materials and supplies costs;
13. Meetings and conferences;
14. Memberships, subscriptions, and professional activity costs;
15. Security costs;
16. Professional service costs;
17. Proposal costs;
18. Publication and printing costs;
19. Rearrangement and alteration costs;
20. Rental costs of building and equipment;
21. Training costs; and
22. Travel costs.

D. Costs Forbidden by Federal Law. 2 Code of Federal Regulations Part 200s and EDGAR identify certain costs that may never be paid with federal funds. The following list provides examples of such costs. If a cost is on this list, it may not be supported with federal funds. The fact that a cost is not on this list does not mean it is necessarily permissible. Other important restrictions apply to federal funds, such as those items detailed in the 2 Code of Federal Regulations Part 200s; thus, the following list is not exhaustive:

1. Advertising and public relations costs (with limited exceptions), including promotional items and memorabilia, models, gifts, and souvenirs;
2. Alcoholic beverages;
3. Bad debts;
4. Contingency provisions (with limited exceptions);
5. Fundraising and investment management costs (with limited exceptions);
6. Donations;
7. Contributions;
8. Entertainment (amusement, diversion, and social activities and any associated costs);
9. Fines and penalties;
10. General government expenses (with limited exceptions pertaining to Indian tribal governments and Councils of Government (COGs));

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11. Goods or services for personal use;
12. Interest, except interest specifically stated in 2 Code of Federal Regulations section 200.441 as allowable;
13. Religious use;
14. The acquisition of real property (unless specifically permitted by programmatic statute or regulations, which is very rare in federal education programs);
15. Construction (unless specifically permitted by programmatic statute or regulations, which is very rare in federal education programs); and
16. Tuition charged or fees collected from students applied toward meeting matching, cost sharing, or maintenance of effort requirements of a program.

E. Program Allowability

1. Any cost paid with federal education funds must be permissible under the federal program that would support the cost.
2. Many federal education programs detail specific required and/or allowable uses of funds for that program. Issues such as eligibility, program beneficiaries, caps or restrictions on certain types of program expenses, other program expenses, and other program specific requirements must be considered when performing the programmatic analysis.
3. The two largest federal K-12 programs, Title I, Part A, and the Individuals with Disabilities Education Act (IDEA), do not contain a use of funds section delineating the allowable uses of funds under those programs. In those cases, costs must be consistent with the purposes of the program in order to be allowable.

F. Federal Cost Principles

1. The Omni Circular defines the parameters for the permissible uses of federal funds. While many requirements are contained in the Omni Circular, it includes five core principles that serve as an important guide for effective grant management. These core principles require all costs to be:
 - a. Necessary for the proper and efficient performance or administration of the program.
 - b. Reasonable. An outside observer should clearly understand why a decision to spend money on a specific cost made sense in light of the cost, needs, and requirements of the program.
 - c. Allocable to the federal program that paid for the cost. A program must benefit in proportion to the amount charged to the federal program – for example, if a teacher is paid 50% with Title I funds, the teacher must work with the Title I program/students at least 50% of the time. Recipients also need to be able to track items or services purchased with federal funds so they can prove they were used for federal program purposes.
 - d. Authorized under state and local rules. All actions carried out with

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federal funds must be authorized and not prohibited by state and local laws and policies.

- e. Adequately documented. A recipient must maintain proper documentation so as to provide evidence to monitors, auditors, or other oversight entities of how the funds were spent over the lifecycle of the grant.

G. Program Specific Fiscal Rules. The Omni Circular also contains specific rules on selected items of costs. Costs must comply with these rules in order to be paid with federal funds.

1. All federal education programs have certain program specific fiscal rules that apply. Determining which rules apply depends on the program; however, rules such as supplement, not supplant, maintenance of effort, comparability, caps on certain uses of funds, etc., have an important impact when analyzing whether a particular cost is permissible.
2. Many state-administered programs require local education agencies (LEAs) to use federal program funds to supplement the amount of state, local, and, in some cases, other federal funds they spend on education costs and not to supplant (or replace) those funds. Generally, the "supplement, not supplant" provision means that federal funds must be used to supplement the level of funds from non-federal sources by providing additional services, staff, programs, or materials. In other words, federal funds normally cannot be used to pay for things that would otherwise be paid for with state or local funds (and, in some cases, with other federal funds).
3. Auditors generally presume supplanting has occurred in three situations:
 - a. School district uses federal funds to provide services that the school district is required to make available under other federal, state, or local laws.
 - b. School district uses federal funds to provide services that the school district provided with state or local funds in the prior year.
 - c. School district uses Title I, Part A, or Migrant Education Program funds to provide the same services to Title I or Migrant students that the school district provides with state or local funds to nonparticipating students.
4. These presumptions apply differently in different federal programs and also in schoolwide program schools. Staff should be familiar with the supplement not supplant provisions applicable to their program.

H. Approved Plans, Budgets, and Special Conditions

1. As required by the Omni Circular, all costs must be consistent with approved program plans and budgets.
2. Costs must also be consistent with all terms and conditions of federal awards, including any special conditions imposed on the school district's grants.

I. Training

1. The school district will provide training on the allowable use of federal funds to all staff involved in federal programs.

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2. The school district will promote coordination between all staff involved in federal programs through activities, such as routine staff meetings and training sessions.
- J. Employee Sanctions. Any school district employee who violates this policy will be subject to discipline, as appropriate, up to and including the termination of employment.

VIII. COMPENSATION – PERSONAL SERVICES EXPENSES AND REPORTING

A. Compensation – Personal Services

Costs of compensation are allowable to the extent that they satisfy the specific requirements of the Uniform Grant Guidance and that the total compensation for individual employees:

1. Is reasonable for the services rendered and conforms to the established written policy of the school district consistently applied to both federal and non-federal activities; and
2. Follows an appointment made in accordance with a school district's written policies and meets the requirements of federal statute, where applicable.

Unless an arrangement is specifically authorized by a federal awarding agency, a school district must follow its written non-federal, entity-wide policies and practices concerning the permissible extent of professional services that can be provided outside the school district for non-organizational compensation.

B. Compensation – Fringe Benefits

1. During leave.

The costs of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if all of the following criteria are met:

- a. They are provided under established written leave policies;
- b. The costs are equitably allocated to all related activities, including federal awards; and
- c. The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the school district.

2. The costs of fringe benefits in the form of employer contributions or expenses for social security; employee life, health, unemployment, and worker's compensation insurance (except as indicated in 2 Code of Federal Regulations section 200.447(d)); pension plan costs; and other similar benefits are allowable, provided such benefits are granted under established written policies. Such benefits must be allocated to federal awards and all other activities in a manner consistent with the pattern of benefits attributable to the individuals or group(s) of employees whose salaries and wages are chargeable to such federal awards and other activities and charged as direct or indirect costs in accordance with the school district's accounting practices.

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3. Actual claims paid to or on behalf of employees or former employees for workers' compensation, unemployment compensation, severance pay, and similar employee benefits (e.g., post-retirement health benefits) are allowable in the year of payment provided that the school district follows a consistent costing policy.
 4. Pension plan costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with the written policies of the school district.
 5. Post-retirement costs may be computed using a pay-as-you-go method or an acceptable actuarial cost method in accordance with established written policies of the school district.
 6. Costs of severance pay are allowable only to the extent that, in each case, severance pay is required by law; employer-employee agreement; established policy that constitutes, in effect, an implied agreement on the school district's part; or circumstances of the particular employment.
- C. Insurance and Indemnification. Types and extent and cost of coverage are in accordance with the school district's policy and sound business practice.
- D. Recruiting Costs. Short-term, travel visa costs (as opposed to longer-term, immigration visas) may be directly charged to a federal award, so long as they are:
1. Critical and necessary for the conduct of the project;
 2. Allowable under the cost principles set forth in the Uniform Grant Guidance;
 3. Consistent with the school district's cost accounting practices and school district policy; and
 4. Meeting the definition of "direct cost" in the applicable cost principles of the Uniform Grant Guidance.
- E. Relocation Costs of Employees. Relocation costs are allowable, subject to the limitations described below, provided that reimbursement to the employee is in accordance with the school district's reimbursement policy.
- F. Travel Costs. Travel costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the school district's non-federally funded activities and in accordance with the school district's reimbursement policies.

Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the school district in its regular operations according to the school district's written reimbursement and/or travel policies.

In addition, when costs are charged directly to the federal award, documentation must justify the following:

1. Participation of the individual is necessary to the federal award; and

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2. The costs are reasonable and consistent with the school district's established travel policy.

Temporary dependent care costs above and beyond regular dependent care that directly results from travel to conferences is allowable provided the costs are:

1. A direct result of the individual's travel for the federal award;
2. Consistent with the school district's documented travel policy for all school district travel; and
3. Only temporary during the travel period.

Legal References:

2 C.F.R. § 200.1 (Definitions: Capital Assets)
2 C.F.R. § 200.112 (Conflict of Interest)
2 C.F.R. § 200.113 (Mandatory Disclosures)
2 C.F.R. § 200.205(d) (Federal Awarding Agency Review of Risk Posed by Applicants)
2 C.F.R. § 200.214 (Suspension and Debarment)
2 C.F.R. § 200.300(b) (Statutory and National Policy Requirements)
2 C.F.R. § 200.302 (Financial Management)
2 C.F.R. § 200.303 (Internal Controls)
2 C.F.R. § 200.305(b)(1) (Federal Payment)
2 C.F.R. § 200.310 (Insurance Coverage)
2 C.F.R. § 200.311 (Federally-owned and Exempt Property)
2 C.F.R. § 200.313(d) (Equipment)
2 C.F.R. § 200.314 (Supplies)
2 C.F.R. § 200.315 (Intangible Property)
2 C.F.R. § 200.318 (General Procurement Standards)
2 C.F.R. § 200.319(c) (Competition)
2 C.F.R. § 200.320 (Methods of Procurement to be Followed)
2 C.F.R. § 200.321 (Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms)
2 C.F.R. § 200.328 (Financial Reporting)
2 C.F.R. § 200.339 ()
2 C.F.R. § 200.403(c) (Factors Affecting Allowability of Costs)
2 C.F.R. § 200.430 (Compensation – Personal Services)
2 C.F.R. § 200.431 (Compensation – Fringe Benefits)
2 C.F.R. § 200.447 (Insurance and Indemnification)
2 C.F.R. § 200.463 (Recruiting Costs)
2 C.F.R. § 200.464 (Relocation Costs of Employees)
2 C.F.R. § 200.474 (Transportation Costs)
2 C.F.R. § 200.475 (Travel Costs)

Cross References:

MSBA/MASA Model Policy 208 (Development, Adoption, and Implementation of Policies)
MSBA/MASA Model Policy 210 (Conflict of Interest – School Board Members)
MSBA/MASA Model Policy 210.1 (Conflict of Interest – Charter School Board Members)
MSBA/MASA Model Policy 412 (Expense Reimbursement)
MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)
MSBA/MASA Model Policy 701.1 (Modification of School District Budget)
MSBA/MASA Model Policy 702 (Accounting)
MSBA/MASA Model Policy 703 (Annual Audit)

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I. PURPOSE

The purpose of this Model Crisis Management Policy is to act as a guide for school district and building administrators, school employees, students, school board members, and community members to address a wide range of potential crisis situations in the school district. The step-by-step procedures suggested by this Policy will provide guidance to each school building in drafting crisis management plans to coordinate protective actions prior to, during, and after any type of emergency or potential crisis situation. Each school district should develop tailored building-specific crisis management plans for each school building in the school district, and sections or procedures may be added or deleted in those crisis management plans based on building needs.

The school district will, to the extent possible, engage in ongoing emergency planning within the school district and with emergency responders and other relevant community organizations. The school district will ensure that relevant emergency responders in the community have access to their building-specific crisis management plans and will provide training to school district staff to enable them to act appropriately in the event of a crisis.

II. GENERAL INFORMATION

A. The Policy and Plans

The school district's Crisis Management Policy has been created in consultation with local community response agencies and other appropriate individuals and groups that would likely be involved in the event of a school emergency. It is designed so that each building administrator can tailor a building-specific crisis management plan to meet that building's specific situation and needs.

The school district's administration and/or the administration of each building shall present tailored building-specific crisis management plans to the school board for review and approval. The building-specific crisis management plans will include general crisis procedures and crisis-specific procedures. Upon approval by the school board, such crisis management plans shall be an addendum to this Crisis Management Policy. This Policy and the plans will be maintained and updated on an annual basis.

B. Elements of the District Crisis Management Policy

1. General Crisis Procedures. The Crisis Management Policy includes general crisis procedures for securing buildings, classroom evacuation, building evacuation, campus evacuation, and sheltering. The Policy designates the individual(s) who will determine when these actions will be taken. These district-wide procedures may be modified by building administrators when creating their building-specific crisis management plans. A communication system will be in place to enable the designated individual to be contacted at all times in the event of a potential crisis, setting forth the method to contact the designated individual, the provision of at least two designees when the contact person is unavailable, and the method to convey contact information

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to the appropriate staff persons. The alternative designees may include members of the emergency first responder response team. A secondary method of communication should be included in the plan for use when the primary method of communication is inoperable. Each building in the school district will have access to a copy of the Comprehensive School Safety Guide (2011 Edition) to assist in the development of building-specific crisis management plans.

All general crisis procedures will address specific procedures for the safe evacuation of children and employees with special needs such as physical, sensory, motor, developmental, and mental health challenges.

- a. Lock-Down Procedures. Lock-down procedures will be used in situations where harm may result to persons inside the school building, such as a shooting, hostage incident, intruder, trespass, disturbance, or when determined to be necessary by the building administrator or his or her designee. The building administrator or designee will announce the lock-down over the public address system or other designated system. Code words will not be used. Provisions for emergency evacuation will be maintained even in the event of a lock-down. Each building administrator will submit lock-down procedures for their building as part of the building-specific crisis management plan.
 - b. Evacuation Procedures. Evacuations of classrooms and buildings shall be implemented at the discretion of the building administrator or his or her designee. Each building's crisis management plan will include procedures for transporting students and staff a safe distance from harm to a designated safe area until released by the building administrator or designee. Safe areas may change based upon the specific emergency situation. The evacuation procedures should include specific procedures for children with special needs, including children with limited mobility (wheelchairs, braces, crutches, etc.), visual impairments, hearing impairments, and other sensory, developmental, or mental health needs. The evacuation procedures should also address transporting necessary medications for students that take medications during the school day.
 - c. Sheltering Procedures. Sheltering provides refuge for students, staff, and visitors within the school building during an emergency. Shelters are safe areas that maximize the safety of inhabitants. Safe areas may change based upon the specific emergency. The building administrator or his or her designee will announce the need for sheltering over the public address system or other designated system. Each building administrator will submit sheltering procedures for his or her building as part of the building-specific crisis management plan.
2. Crisis-Specific Procedures. The Crisis Management Policy includes crisis-specific procedures for crisis situations that may occur during the school day or at school-sponsored events and functions. These district-wide procedures are designed to enable building administrators to tailor response procedures when creating building-specific crisis management plans.

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3. School Emergency Response Teams

- a. Composition. The building administrator in each school building will select a school emergency response team that will be trained to respond to emergency situations. All school emergency response team members will receive on-going training to carry out the building's crisis management plans and will have knowledge of procedures, evacuation routes, and safe areas. For purposes of student safety and accountability, to the extent possible, school emergency response team members will not have direct responsibility for the supervision of students. Team members must be willing to be actively involved in the resolution of crises and be available to assist in any crisis situation as deemed necessary by the building administrator. Each building will maintain a current list of school emergency response team members which will be updated annually. The building administrator, and his or her alternative designees, will know the location of that list in the event of a school emergency. A copy of the list will be kept on file in the school district office, or in a secondary location in single building school districts.
- b. Leaders. The building administrator or his or her designee will serve as the leader of the school emergency response team and will be the primary contact for emergency response officials. In the event the primary designee is unavailable, the designee list should include more than one alternative designee and may include members of the emergency response team. When emergency response officials are present, they may elect to take command and control of the crisis. It is critical in this situation that school officials assume a resource role and be available as necessary to emergency response officials.

III. PREPARATION BEFORE AN EMERGENCY

A. Communication

1. District Employees. Teachers generally have the most direct contact with students on a day-to-day basis. As a result, they must be aware of their role in responding to crisis situations. This also applies to non-teaching school personnel who have direct contact with students. All staff shall be aware of the school district's Crisis Management Policy and their own building's crisis management plan. Each school's building-specific crisis management plan shall include the method and dates of dissemination of the plan to its staff. Employees will receive a copy of the relevant building-specific crisis management plans and shall receive periodic training on plan implementation.
2. Students and Parents. Students and parents shall be made aware of the school district's Crisis Management Policy and relevant tailored crisis management plans for each school building. Each school district's building-specific crisis management plan shall set forth how students and parents are made aware of the district and school-specific plans. Students shall receive specific instruction on plan implementation and shall participate in a required number of drills and practice sessions throughout the school year.

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B. Planning and Preparing for Fire

1. Designate a safe area at least 50 feet away from the building to enable students and staff to evacuate. The safe area should not interfere with emergency responders or responding vehicles and should not be in an area where evacuated persons are exposed to any products of combustion. (Depending on the wind direction, where the building on fire is located, the direction from which the fire is arriving, and the location of fire equipment, the distance may need to be extended.)
2. Each building's facility diagram and site plan shall be available in appropriate areas of the building and shall identify the most direct evacuation routes to the designated safe areas both inside and outside of the building. The facility diagram and site plan must identify the location of the fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs.
3. Teachers and staff will receive training on the location of the primary emergency evacuation routes and alternate routes from various points in the building. During fire drills, students and staff will practice evacuations using primary evacuation routes and alternate routes.
4. Certain employees, such as those who work in hazardous areas in the building, will receive training on the locations and proper use of fire extinguishers and protective clothing and equipment.
5. Fire drills will be conducted periodically without warning at various times of the day and under different circumstances, e.g., lunchtime, recess, and during assemblies. State law requires a minimum of five fire drills each school year, consistent with Minnesota Statutes section 299F.30. See Minnesota Statutes, section 121A.035.
6. A record of fire drills conducted at the building will be maintained in the building administrator's office.
7. The school district will have prearranged sites for emergency sheltering and transportation as needed.
8. The school district will determine which staff will remain in the building to perform essential functions if safe to do so (e.g., switchboard, building engineer, etc.). The school district also will designate an administrator or his or her designee to meet local fire or law enforcement agents upon their arrival.

C. Facility Diagrams and Site Plans

All school buildings will have a facility diagram and site plan that includes the location of primary and secondary evacuation routes, exits, designated safe areas inside and outside of the building, and the location of fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs. All facility diagrams and site plans will be updated regularly and whenever a major change is made to a building. Facility diagrams and site plans will be maintained by the building administrator and will be easily accessible and on file in the school district office. Facility diagrams and

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site plans will be provided to first responders, such as fire and law enforcement personnel.

D. Emergency Telephone Numbers

Each building will maintain a current list of emergency telephone numbers and the names and addresses of local, county, and state personnel who may be involved in a crisis situation. The list will include telephone numbers for local police, fire, ambulance, hospital, the Poison Control Center, county and state emergency management agencies, local public works departments, local utility companies, the public health nurse, mental health/suicide hotlines, and the county welfare agency. A copy of this list will be kept on file in the school district office, or at a secondary location for single building school districts and will be updated annually.

School district employees will receive training on how to make emergency contacts, including 911 calls, when the school district's main telephone number and location is electronically conveyed to emergency personnel instead of the specific building in need of emergency services.

School district plans will set forth a process to internally communicate an emergency, using telephones in classrooms, intercom systems, or two-way radios, as well as the procedure to enable the staff to rapidly convey emergency information to a building designee. Each plan will identify a primary and secondary method of communication for both internal and secondary use. It is recommended that the plan include several methods of communication because computers, intercoms, telephones, and cell phones may not be operational or may be dangerous to use during an emergency.

E. Warning and Notification Systems

The school district shall maintain a warning system designed to inform students, staff, and visitors of a crisis or emergency. This system shall be maintained on a regular basis under the maintenance plan for all school buildings. The school district should consider an alternate notification system to address the needs of staff and students with special needs, such as vision or hearing.

The building administrator shall be responsible for informing students and employees of the warning system and the means by which the system is used to identify a specific crisis or emergency situation. Each school's building-specific crisis management plan will include the method and frequency of dissemination of the warning system information to students and employees.

F. Early School Closure Procedures

The superintendent will make decisions about closing school or buildings as early in the day as possible. The early school closure procedures will set forth the criteria for early school closure (e.g., weather-related, utility failure, or a crisis situation), will specify how closure decisions will be communicated to staff, students, families, and the school community (designated broadcast media, local authorities, e-mail, or district or school building web sites), and will discuss the factors to be considered in closing and reopening a school or building.

Early school closure procedures also will include a reminder to parents and guardians to listen to designated local radio and TV stations for school closing announcements, where possible.

G. Media Procedures

The superintendent has the authority and discretion to notify parents or guardians and

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the school community in the event of a crisis or early school closure. The superintendent will designate a spokesperson who will notify the media in the event of a crisis or early school closure. The spokesperson shall receive training to ensure that the district is in strict compliance with federal and state law relative to the release of private data when conveying information to the media.

H. Behavioral Health Crisis Intervention Procedures

Short-term behavioral health crisis intervention procedures will set forth the procedure for initiating behavioral health crisis intervention plans. The procedures will utilize available resources including the school psychologist, counselor, community behavioral health crisis intervention, or others in the community. Counseling procedures will be used whenever the superintendent or the building administrator determines it to be necessary, such as after an assault, a hostage situation, shooting, or suicide. The behavioral health crisis intervention procedures shall include the following steps:

1. Administrator will meet with relevant persons, including school psychologists and counselors, to determine the level of intervention needed for students and staff.
2. Designate specific rooms as private counseling areas.
3. Escort siblings and close friends of any victims as well as others in need of emotional support to the counseling areas.
4. Prohibit media from interviewing or questioning students or staff.
5. Provide follow-up services to students and staff who receive counseling.
6. Resume normal school routines as soon as possible.

I. Long-Term Recovery Intervention Procedures

Long-term recovery intervention procedures may involve both short-term and long-term recovery planning:

1. Physical/structural recovery.
2. Fiscal recovery.
3. Academic recovery.
4. Social/emotional recovery.

IV. ACTIVE SHOOTER DRILL

A. Definitions

1. "Active shooter drill" means an emergency preparedness drill designed to teach students, teachers, school personnel, and staff how to respond in the event of an armed intruder on campus or an armed assailant in the immediate vicinity of the school. An active shooter drill is not an active shooter simulation, nor may an active shooter drill include any sensorial components, activities, or elements which mimic a real life shooting.
2. "Active shooter simulation" means an emergency exercise including full-scale

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or functional exercises, designed to teach adult school personnel and staff how to respond in the event of an armed intruder on campus or an armed assailant in the immediate vicinity of the school which also incorporates sensorial components, activities, or elements mimicking a real life shooting. Activities or elements mimicking a real life shooting include, but are not limited to, simulation of tactical response by law enforcement. An active shooter simulation is not an active shooter drill.

3. "Evidence-based" means a program or practice that demonstrates any of the following:
 - a. a statistically significant effect on relevant outcomes based on any of the following:
 - i. strong evidence from one or more well designed and well implemented experimental studies;
 - ii. moderate evidence from one or more well designed and well implemented quasi-experimental studies; or
 - iii. promising evidence from one or more well designed and well implemented correlational studies with statistical controls for selection bias; or
 - b. a rationale based on high-quality research findings or positive evaluations that the program or practice is likely to improve relevant outcomes, including the ongoing efforts to examine the effects of the program or practice.
4. "Full-scale exercise" means an operations-based exercise that is typically the most complex and resource-intensive of the exercise types and often involves multiple agencies, jurisdictions, organizations, and real-time movement of resources.
5. "Functional exercises" means an operations-based exercise designed to assess and evaluate capabilities and functions while in a realistic, real-time environment, however, movement of resources is usually simulated.

B. Criteria

An active shooter drill conducted according to Minnesota Statutes, section 121A.037 with students in early childhood through grade 12 must be:

1. accessible;
2. developmentally appropriate and age appropriate, including using appropriate safety language and vocabulary;
3. culturally aware;
4. trauma-informed; and

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5. inclusive of accommodations for students with mobility restrictions, sensory needs, developmental or physical disabilities, mental health needs, and auditory or visual limitations.

C. Student Mental Health and Wellness

Active shooter drill protocols must include a reasonable amount of time immediately following the drill for teachers to debrief with their students. The opportunity to debrief must be provided to students before regular classroom activity may resume. During the debrief period, students must be allowed to access any mental health services available on campus, including counselors, school psychologists, social workers, or cultural liaisons. An active shooter drill must not be combined or conducted consecutively with any other type of emergency preparedness drill. An active shooter drill must be accompanied by an announcement prior to commencing. The announcement must use concise and age-appropriate language and, at a minimum, inform students there is no immediate danger to life and safety.

D. Notice

1. The school district must provide notice of a pending active shooter drill to every student's parent or legal guardian before an active shooter drill is conducted. Whenever practicable, notice must be provided at least 24 hours in advance of a pending active shooter drill and inform the parent or legal guardian of the right to opt their student out of participating.
2. If a student is opted out of participating in an active shooter drill, no negative consequence must impact the student's general school attendance record nor may nonparticipation alone make a student ineligible to participate in or attend school activities.
3. The Commissioner of the Minnesota Department of Education must ensure the availability of alternative safety education for students who are opted out of participating or otherwise exempted from an active shooter drill. Alternative safety education must provide essential safety instruction through less sensorial safety training methods and must be appropriate for students with mobility restrictions, sensory needs, developmental or physical disabilities, mental health needs, and auditory or visual limitations.

E. Participation in Active Shooter Drills

Any student in early childhood through grade 12 must not be required to participate in an active shooter drill that does not meet the Criteria set forth above.

F. Active Shooter Simulations

A student must not be required to participate in an active shooter simulation. An active shooter simulation must not take place during regular school hours if a majority of students are present, or expected to be present, at the school. A parent or legal guardian of a student in grades 9 through 12 must have the opportunity to opt their student into participating in an active shooter simulation.

G. Violence Prevention

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1. A school district or charter school conducting an active shooter drill must provide students in middle school and high school at least one hour, or one standard class period, of violence prevention training annually.
2. The violence prevention training must be evidence-based and may be delivered in-person, virtually, or digitally. Training must, at a minimum, teach students the following:
 - a. how to identify observable warning signs and signals of an individual who may be at risk of harming oneself or others;
 - b. the importance of taking threats seriously and seeking help; and
 - c. the steps to report dangerous, violent, threatening, harmful, or potentially harmful activity.
3. A school district or charter school must ensure that students have the opportunity to contribute to their school's safety and violence prevention planning, aligned with the recommendations for multihazard planning for schools, including but not limited to:
 - a. student opportunities for leadership related to prevention and safety;
 - b. encouragement and support to students in establishing clubs and programs focused on safety; and
 - c. providing students with the opportunity to seek help from adults and to learn about prevention connected to topics including bullying, sexual harassment, sexual assault, and suicide.

H. Board Meeting

At a regularly scheduled school board meeting, a school board of a district that has conducted an active shooter drill must consider the following:

1. the effect of active shooter drills on the safety of students and staff; and
2. the effect of active shooter drills on the mental health and wellness of students and staff.

V. SAMPLE PROCEDURES INCLUDED IN THIS POLICY

Sample procedures for the various hazards/emergencies listed below are attached to this Policy for use when drafting specific crisis management plans. Additional sample procedures may be found in the Response section of the *Comprehensive School Safety Guide* (2011 Edition). After approval by the school board, an adopted procedure will become an addendum to the Crisis Management Policy.

- A. Fire
- B. Hazardous Materials
- C. Severe Weather: Tornado/Severe Thunderstorm/Flooding

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- D. Medical Emergency
- E. Fight/Disturbance
- F. Assault
- G. Intruder
- H. Weapons
- I. Shooting
- J. Hostage
- K. Bomb Threat
- L. Chemical or Biological Threat
- M. Checklist for Telephone Threats
- N. Demonstration
- O. Suicide
- P. Lock-down Procedures
- Q. Shelter-In-Place Procedures
- R. Evacuation/Relocation
- S. Media Procedures
- T. Post-Crisis Procedures
- U. School Emergency Response Team
- V. Emergency Phone Numbers
- W. Highly Contagious Serious Illness or Pandemic Flu

VI. MISCELLANEOUS PROCEDURES

A. Chemical Accidents

Procedures for reporting chemical accidents shall be posted at key locations such as chemistry labs, art rooms, swimming pool areas, and janitorial closets.

B. Visitors

The school district shall implement procedures mandating visitor sign in and visitors in school buildings. See MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites).

The school district shall implement procedures to minimize outside entry into school buildings except at designated check-in points and assure that all doors are locked prior to and after regular building hours.

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C. Student Victims of Criminal Offenses at or on School Property

The school district shall establish procedures allowing student victims of criminal offenses on school property the opportunity to transfer to another school within the school district.

D. Radiological Emergencies at Nuclear Generating Plants [OPTIONAL]

School districts within a 10-mile radius of the Monticello or Prairie Island nuclear power plants will implement crisis plans in the event of an accident or incident at the power plant.

Questions relative to the creation or implementation of such plans will be directed to the Minnesota Department of Public Safety.

Legal References:

Minn. Stat. Ch. 12 (Emergency Management)
Minn. Stat. Ch. 12A (Natural Disaster; State Assistance)
Minn. Stat. § 121A.035 (Crisis Management Policy)
Minn. Stat. § 121A.038 (Students Safe at School)
Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)
Minn. Stat. § 299F.30 (Fire Drill in School; Doors and Exits)
Minn. Stat. § 326B.02, Subd. 6 (Powers)
Minn. Stat. § 326B.106 (General Powers of Commissioner of Labor and Industry)
Minn. Stat. § 609.605, Subd. 4 (Trespasses)
Minn. Rules Ch. 7511 (Fire Code)
20 U.S.C. § 1681, *et seq.* (Title IX)
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)
20 U.S.C. § 7912 (Unsafe School Choice Option)
42 U.S.C. § 5121 *et seq.* (Disaster Relief and Emergency Assistance)

Cross References:

MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 501 (School Weapons Policy)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 532 (Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds)
MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)
Comprehensive School Safety Guide
[Minnesota School Safety Center - Resources \(mn.gov\)](https://mn.gov/schoolsafetycenter/resources)

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VISITORS TO SCHOOL DISTRICT BUILDINGS AND SITES

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POLICY 903
SERIES 900 STUDENTS

903 VISITORS TO SCHOOL DISTRICT BUILDINGS AND SITES

I. PURPOSE

The purpose of this policy is to inform the school community and the general public of the position of the school board on visitors to school buildings and other school property.

II. GENERAL STATEMENT OF POLICY

- A. The school board encourages interest on the part of parents and community members in school programs and student activities. The school board welcomes visits to school buildings and school property by parents and community members provided the visits are consistent with the health, education and safety of students and employees and are conducted within the procedures and requirements established by the school district.
- B. The school board reaffirms its position on the importance of maintaining a school environment that is safe for students and employees and free of activity that may be disruptive to the student learning process or employee working environment.

III. POST-SECONDARY ENROLLMENT OPTIONS STUDENTS

- A. A student enrolled in a post-secondary enrollment options course may remain at the school site during regular school hours in accordance with established procedures.
- B. A student enrolled in a post-secondary enrollment options course may be provided with reasonable access, during regular school hours, to a computer and other technology resources that the student needs to complete coursework for a post-secondary enrollment course in accordance with established procedures.

IV. RESPONSIBILITY

- A. The school district administration shall present recommended visitor and post-secondary enrollment options student procedures and requirements to the school board for review and approval. The procedures should reflect input from employees, students and advisory groups, and shall be communicated to the school community and the general public. Upon approval by the school board, such procedures and requirements shall be an addendum to this policy.
- B. The superintendent shall be responsible for providing coordination that may be needed throughout the process and providing for periodic school board review and approval of the procedures.

V. VISITOR LIMITATIONS

- A. An individual, post-secondary enrollment options student, or group may be denied permission to visit a school or school property or such permission may be revoked if the visitor(s) does not comply with the school district procedures and regulations or if the visit is not in the best interest of students, employees or the school district.

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- B. Visitors, including post-secondary enrollment options students, are authorized to park vehicles on school property at times and in locations specified in the approved visitor procedures and requirements which are an addendum to this policy or as otherwise specifically authorized by school officials. When unauthorized vehicles of visitors are parked on school property, school officials may:
1. move the vehicle or require the driver or other person in charge of the vehicle to move it off school district property; or
 2. if unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off of school property.
- C. An individual, post-secondary enrollment options student, or group who enters school property without complying with the procedures and requirements may be guilty of criminal trespass and thus subject to criminal penalty. Such persons may be detained by the school principal or a person designated by the school principal in a reasonable manner for a reasonable period of time pending the arrival of a police officer.

Legal References: Minn. Stat. § 123B.02 (General Powers of Independent School Districts)
Minn. Stat. § 124D.09 (Postsecondary Enrollment Options Act)
Minn. Stat. § 128C.08 (Assaulting a Sports Official Prohibited)
Minn. Stat. § 609.605, Subd. 4 (Trespass)

Cross References: None

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POLICY 501
SERIES 500 STUDENTS

501 SCHOOL WEAPONS POLICY

I. PURPOSE

The purpose of this policy is to assure a safe school environment for students, staff and the public.

II. GENERAL STATEMENT OF POLICY

No student or nonstudent, including adults and visitors, shall possess, use, or distribute a weapon when in a school location except as provided in this policy. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

III. DEFINITIONS

A. "Weapon"

1. A "weapon" means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; throwing stars; explosives; fireworks; mace and other propellants; stunguns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
2. No person shall possess, use, or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
3. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

B. "School Location" includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school district.

C. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location.

D. "Dangerous Weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. As used in this definition, "flammable liquid" means any liquid having a flash point below 100 degrees

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Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.

IV. EXCEPTIONS

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon's location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
 - 1. active licensed peace officers;
 - 2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
 - 3. persons authorized to carry a pistol under Minnesota Statutes section 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
 - 4. persons who keep or store in a motor vehicle pistols in accordance with Minnesota Statutes section 624.714 or 624.715 or other firearms in accordance with Minnesota Statutes section 97B.045;
 - a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for "antique firearms which are carried or possessed as curiosities or for their historical significance or value."
 - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with Sections 624.714 and 624.715.
 - 5. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
 - 6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
 - 7. a gun or knife show held on school property;

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8. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
9. persons who are on unimproved property owned or leased by a child care center, school or school district unless the person knows that a student is currently present on the land for a school-related activity.

C. Policy Application to Instructional Equipment/Tools

While the school district does not allow the possession, use, or distribution of weapons by students or nonstudents, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or nonstudents. Such equipment and tools, when properly possessed, used, and stored, shall not be considered in violation of the rule against the possession, use, or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

D. Firearms in School Parking Lots and Parking Facilities

A school district may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the "lawful" carry or possession of a firearm in a school parking lot or parking facility is specifically limited to nonstudent permit-holders authorized under Minnesota Statutes section 624.714 to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder's vehicle shall constitute a violation of this policy.

V. CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/ DISTRIBUTION

- A. The school district does not allow the possession, use, or distribution of weapons by students. Consequently, the minimum consequence for students willfully possessing, using, or distributing weapons shall include:
 1. immediate out-of-school suspension;
 2. confiscation of the weapon;
 3. immediate notification of police;
 4. parent or guardian notification; and
 5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.
- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.

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- C. The building principal shall, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a student who brings a firearm to school unlawfully.

- D. Administrative Discretion

While the school district does not allow the possession, use, or distribution of weapons by students, the superintendent may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

VI. CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION BY NONSTUDENTS

- A. Employees

1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the [Superintendent or](#) school board.
2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.
3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

- B. Other Nonstudents

1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.
2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

VII. REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES

The school district must electronically report to the Minnesota Commissioner of Education incidents involving the use or possession of a dangerous weapon in school zones, as required under Minnesota Statutes section 121A.06.

Legal References: Minn. Stat. § 97B.045 (Transporting Firearms)
Minn. Stat. § 121A.05 (Policy to Refer Firearms Possessor)
Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)
Minn. Stat. § 152.01, subd. 14(a) (Definition of a School Zone)

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Minn. Stat. § 609.02, subd. 6 (Definition of Dangerous Weapon)
Minn. Stat. § 609.605 (Trespass)
Minn. Stat. § 609.66 (Dangerous Weapons)
Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)
Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)
18 U.S.C. § 921 (Definition of Firearm)
In re C.R.M., 611 N.W.2d 802 (Minn. 2000)
In re A.D., 883 N.W.2d 251 (Minn. 2016)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)

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POLICY 502
SERIES 500 STUDENTS

502 SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS, AND STUDENT'S PERSON

I. PURPOSE

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing the school district's policies against contraband.

II. GENERAL STATEMENT OF POLICY

A. Lockers and Personal Possessions Within a Locker

Pursuant to Minnesota statutes, school lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

B. Desks

School desks are the property of the school district. At no time does the school district relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.

C. Personal Possessions and Student's Person

The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

D. A violation of this policy occurs when students use lockers and desks for unauthorized purposes or to store contraband. A violation occurs when students carry contraband on their person or in their personal possessions.

III. DEFINITIONS

- A. "Contraband" means any unauthorized item possession of which is prohibited by school district policy and/or law. It includes, but is not limited to, weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to the school district, and stolen property.
- B. "Personal possessions" includes, but is not limited to, purses, backpacks, bookbags, packages, and clothing.

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- C. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of school district policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- D. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g., to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

IV. PROCEDURES

- A. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B. School officials may inspect the personal possessions of a student and/or a student's person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.
- C. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.
- D. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.
- E. A strip search is a search involving the removal of coverings or clothing from private areas. Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted only in circumstances involving imminent danger.
- F. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- G. A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate. The school district shall provide a copy of this policy to a student when the student is given use of a locker.

V. DIRECTIVES AND GUIDELINES

School administration may establish reasonable directives and guidelines which address specific needs of the school district, such as use of tape in lockers, standards of cleanliness and care, posting of pin-ups and posters which may constitute sexual harassment, etc.

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VI. SEIZURE OF CONTRABAND

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

VII. VIOLATIONS

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

Legal References: U. S. Const., amend. IV
Minn. Const., art. I, § 10
Minn. Stat. § 121A.72 (School Locker Policy)
New Jersey v. T.L.O., 469 U.S. 325 (1985)
G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir. 2013)

Cross References: MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)
MSBA/MASA Model Policy 501 (School Weapons)
MSBA/MASA Model Policy 506 (Student Discipline)

506 STUDENT DISCIPLINE

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

II. GENERAL STATEMENT OF POLICY

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.

In view of the foregoing and in accordance with Minnesota Statutes, section 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

III. DEFINITIONS

- A. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1)

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and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

- B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

IV. POLICY

- A. The school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil Fair Dismissal Act. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.
- B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- C. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
1. for a pupil who remains enrolled in the school district or is awaiting enrollment in a new district, the school district's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The school district must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;
 2. a pupil receiving school-based or school-linked mental health services in the school district under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and
 3. the school district must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the school district website.

V. AREAS OF RESPONSIBILITY

- A. The School Board. The school board holds all school personnel responsible for the

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maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.

- B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
- C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of Behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another.
- E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another.
- F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.
- I. Reasonable Force Reports

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1. The school district must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
2. Beginning with the 2024-2025 school year, the school district must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

VI. STUDENT RIGHTS

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

VII. STUDENT RESPONSIBILITIES

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state, and local laws;

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- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;
- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

VIII. CODE OF STUDENT CONDUCT

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

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

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

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

IX. RECESS AND OTHER BREAKS

- A. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.
- B. The school district is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.

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- C. The school district must not use recess detention unless:
 - 1. a student causes or is likely to cause serious physical harm to other students or staff;
 - 2. the student's parent or guardian specifically consents to the use of recess detention; or
 - 3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
- D. The school district must not withhold recess from a student based on incomplete schoolwork.
- E. The school district must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.
- F. The school district must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. The school district is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- G. The school district must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district or school's existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

X. DISCIPLINARY ACTION OPTIONS

The general policy of the school district is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district code of conduct, rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other school district personnel, and verbal warning;
- B. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.

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- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or
- U. Other disciplinary action as deemed appropriate by the school district.

XI. REMOVAL OF STUDENTS FROM CLASS

- A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

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Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.

- B. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.
- C. Procedures for Removal of a Student From a Class.
 1. Specify procedures to be followed by a teacher, school administrator, or other school district employee to remove a student from a class;
 2. Specify required approvals necessary;
 3. Specify paperwork and reporting procedures.
- D. Period of Time for which a Student may be Removed from a Class (may not exceed five (5) class periods for a violation of a rule of conduct)
 1. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.
- E. Responsibility for and Custody of a Student Removed from Class.
 1. Designation of where student is to go when removed;
 2. Designation of how student is to get to designated destination;
 3. Whether student must be accompanied;

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4. Statement of what student is to do when and while removed;
 5. Designation of who has control over and responsibility for student after removal from class.
- F. Procedures for Return of a Student to a Specific Class from Which the Student was Removed.
1. Specification of procedures;
 2. Actions or approvals required such as notes, conferences, readmission plans.
- G. Procedures for Notifying a Student and the Student's Parents or Guardian of Violation of the Rules of Conduct and of Resulting Disciplinary Actions;
1. Specification of Procedures;
 2. Actions or approvals required, such as notes, conferences, readmission plans.
- H. Disabled Students; Special Provisions.
1. Procedures for consideration of whether there is a need for further assessment;
 2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individualized Education Program (IEP) of a disabled student who is removed from class or disciplined; and
 3. Any procedures determined appropriate for referring students in need of special education services to those services.
- I. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.
1. Establishment of a chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.26;
 2. Establishment of teacher reporting procedures to the chemical abuse preassessment team pursuant to Minnesota Statutes section 121A.29.
- J. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.
- K. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.
- L. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.
- M. Any Procedures Determined Appropriate for Referring a Student in Need of Special Education Services to Those Services; and

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- N. Any Procedures Determined Appropriate for Ensuring Victims of Bullying who Respond with Behavior not Allowed under the School's Behavior Policies have Access to a Remedial Response, Consistent with Minnesota Statutes, section 121A.031.

XII. DISMISSAL

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

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

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

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this policy;
2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

- C. Disciplinary Dismissals Prohibited

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

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resources outlined under Nonexclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

D. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.
3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
4. The definition of suspension under Minnesota Statutes, section [121A.41, subdivision 10](#), does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property

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or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.
6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minnesota Statutes, section 123A.05 selected to allow the student to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.
7. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
 - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
 - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
 - c. petition the juvenile court that the student is in need of services under Minnesota Statutes chapter 260C.
9. A written notice containing the grounds for suspension, a brief statement of the

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facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)

10. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
11. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
12. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) consecutive school days.

E. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56; describe the nonexclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present

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evidence; and (4) confront and cross-examine witnesses. The school district must advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE) and is posted on its website.

6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.

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16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of the Minnesota Department of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minnesota Statutes section 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

XIII. ADMISSION OR READMISSION PLAN

A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minnesota Statutes, section 120B.232, subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

XIV. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

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

XV. STUDENT DISCIPLINE RECORDS

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

XVI. STUDENTS WITH DISABILITIES

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

XVII. OPEN ENROLLED STUDENTS

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minnesota Statutes section 124D.03) or Enrollment in Nonresident District (Minnesota Statutes section 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minnesota Statutes chapter 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

XVIII. DISCIPLINE COMPLAINT PROCEDURE

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

The Discipline Complaint Procedure must, at a minimum:

1. provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes, section 121A.49 that contains explicit instructions for filing the complaint;
2. provide an opportunity for involved parties to submit additional information related to the complaint;
3. provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;
4. provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;
5. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and
6. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

XIX. DISTRIBUTION OF POLICY

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

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XX. REVIEW OF POLICY

The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.26 (School Preassessment Teams)
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. §§ 121A.60 (Definitions)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 122A.42 (General Control of Schools)
Minn. Stat. § 123A.05 (State-Approved Alternative Program Organization)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (School Boards' Approval to Enroll in Nonresident District; Exceptions)
Minn. Stat. Ch. 125A (Special Education and Special Programs)
Minn. Stat. § 152.22, Subd. 6 (Definitions)
Minn. Stat. § 152.23 (Limitations)
Minn. Stat. Ch. 260A (Truancy)
Minn. Stat. Ch. 260C (Juvenile Safety and Placement)
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Act)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

Cross References: MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices)
MSBA/MASA Model Policy 501 (School Weapons)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 503 (Student Attendance)
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)
MSBA/MASA Model Policy 610 (Field Trips)

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MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

514 BULLYING PROHIBITION POLICY

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

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- D. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.

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

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

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

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

Consequences for other individuals engaging in prohibited acts of bullying may include,

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but not be limited to, exclusion from school district property and events.

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

III. DEFINITIONS

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

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

The term "bullying" specifically includes cyberbullying, malicious and sadistic conduct, and sexual exploitation.

- B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and

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expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

- E. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.
- F. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- G. "Prohibited conduct" means bullying, cyberbullying, malicious and sadistic conduct, sexual exploitation, or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about prohibited conduct. .
- H. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- I. "Student" means a student enrolled in a public school or a charter school.

IV. REPORTING PROCEDURE

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

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be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

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

- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL DISTRICT ACTION

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of

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discipline or other remedial responses.

- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy (See MSBA/MASA Model Policy 506) and other applicable school district policies; and applicable regulations.
- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

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

VII. TRAINING AND EDUCATION

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not

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to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.

- B. The school district shall require ongoing professional development, consistent with Minnesota Statutes section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
 - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 - 4. The incidence and nature of cyberbullying; and
 - 5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

The administration is encouraged, to the extent practicable, to take such actions as it

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may deem appropriate to accomplish the following:

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

VIII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy must be conspicuously posted throughout each school building, in the administrative offices of the school district, and in the office of each school.
- C. This policy must be distributed to each school district or school employee and independent contractor at the time of hiring or contracting.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an

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electronic format in the language appearing on the school district's or a school's website.

- F. Each school must develop a process for discussing this policy with students, parents of students, independent contractors, and school employees.
- G. The school district shall provide an electronic copy of its most recently amended policy to the Minnesota Commissioner of Education.

IX. POLICY REVIEW

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

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

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 423 (Employee-Student Relationships)
MSBA/MASA Model Policy 501 (School Weapons Policy)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)

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MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

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515 PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

A. Authorized Representative

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

B. Biometric Record

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

C. Dates of Attendance

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

D. Directory Information

1. "Directory information," under federal law, means information contained in an education record of a student that would not generally be considered harmful or

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an invasion of privacy if disclosed. It includes the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status (i.e., full-time or part-time); participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include:

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

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

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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.

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- 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

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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.

P. Summary Data

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"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

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

C. Students with a Disability

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

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - a. a specification of the records to be disclosed;
 - b. the purpose or purposes of the disclosure;
 - c. the party or class of parties to whom the disclosure may be made;
 - d. the consequences of giving informed consent; and
 - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
 - a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
 - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:

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- 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

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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;

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- 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

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party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

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

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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

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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

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necessary to serve the student, to protect students and staff, or as otherwise required by law.

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

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements; or
22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

C. Nonpublic School Students

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

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer

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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. United States Code, title 20, section 1232g, and Code of Federal Regulations, title 34, section 99.37, which were in effect on January 3, 2012.
2. The school district may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under this section.
3. When requested, the school district must share personal contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

B. Former Students

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

C. Present Students and Parents

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

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.

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1. 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 does not want any or all of those types of information about the student and/or the parent designated as directory information.
2. 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.
3. 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.
4. 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;

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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;

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- 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

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maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

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

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

D. Chemical Abuse Records

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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 building principal ~~responsible authority [designate title of individual, i.e., building principal]~~ in writing by September 15 ~~[date]~~ each year. The written request must include the following information:
 1. Name of student and parent, as appropriate;
 2. Home address;

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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

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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.

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

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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

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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

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

B. Response to Request for Access

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

C. Right to Inspect and Review

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

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

D. Form of Request

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

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

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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.

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

B. Right to a Hearing

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

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

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the school

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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 *[designate title and actual name of individual]*.
- 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.

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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.

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C. Notification to Parents or Eligible Students Who are Disabled

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

XX. DESTRUCTION AND RETENTION OF RECORDS

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

XXI. COPIES OF POLICY

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.32, Subd. 5 (Directory Information)
Minn. Stat. § 13.393 (Attorneys)
Minn. Stat. Ch. 14 (Administrative Procedures Act)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
Minn. Stat. § 121A.75 (Receipt of Records; Sharing)
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)
Minn. Stat. Ch. 256L (MinnesotaCare)
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
Minn. Stat. § 363A.42 (Public Records; Accessibility)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)
18 U.S.C. § 2331 (Definitions)
18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)
20 U.S.C. § 7908 (Armed Forces Recruiting Information)
20 U.S.C. § 7917 (Transfer of School Disciplinary Records)
25 U.S.C. § 5304 (Definitions – Tribal Organization)
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)
42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)
Gonzaga University v. Doe, 536 U.S. 273 309 (2002)
Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

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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)

PUBLIC NOTICE

Independent School District No. 146 gives notice to parents of students currently in attendance in the District, and eligible students currently in attendance in the District, of their rights regarding pupil records.

1. Parents and eligible students are hereby informed that they have the following rights:
 - a. That a parent or eligible student has a right to inspect and review the student's education records within 45 days after the day the request for access is received by the school district. A parent or eligible student should submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect. The parent or eligible student will be notified of the time and place where the records may be inspected;
 - b. 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 rights. A parent or eligible student may ask the school district to amend a record that they believe is inaccurate or misleading. The request shall be in writing, identify the item the parent or eligible student believes to be inaccurate, misleading, or in violation of the privacy rights of the student, shall state the reason for this belief, and shall specify the correction the parent or eligible student wishes the school district to make. The request shall be signed by the parent or eligible student. If the school district decides not to amend the record as requested by the parent or eligible student, the school district will notify the parent or eligible student of the decision and advise him or her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing;
 - c. 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 disclosures without consent;
 - d. That the school district may disclose education records to other school officials within the school district if the school district has determined they have legitimate educational interests. For purposes of such disclosure, a "school official" is a person employed by the school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or other employee; a person serving on the school board; a person or company with whom the school district has consulted to perform a specific task (such as an attorney, auditor, medical consultant, therapist, public information officer, or data practices compliance official); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or any individual assisting a school official in the performance of his or her tasks. A school official has a "legitimate educational interest" if the individual needs to review an education record in order to fulfill his or her professional responsibility and includes, but is not limited to, an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and student health and welfare and the ability to respond to a request for educational data;

- e. That the school district forwards education records on request to a school or post-secondary educational institution 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, including information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, suspension and expulsion information pursuant to 20 U.S.C. § 7917, part of the federal Every Student Succeeds Act *[insert the following bracketed phrase if the school district has a policy regarding Staff Notification of Violent Behavior by Students]* [and data regarding a student's history of violent behavior,] and any disposition order which adjudicates the student as delinquent for committing an illegal act on school district property and certain other illegal acts;
- f. 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 20 U.S.C. § 1232g and the rules promulgated thereunder. The name and address of the office that administers the Family Education Rights and Privacy Act is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202-8520

- 2. Copies of the school board policy and accompanying procedures and regulations are available to parents and students upon written request to the Superintendent.
- 3. Pursuant to applicable law, Independent School District No. 146 gives notice to parents of students currently in attendance in the school district, and eligible students currently in attendance in the school district, of their rights regarding "directory information."

"Directory information" includes the following information relating to a student: the student's name; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; the most recent educational agency or institution attended by the student; and other similar information. "Directory information" also includes the name, address, and telephone number of the student's parent(s). "Directory information" does not include a student's social security number or a student's identification number (ID) if the ID 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, password, or other factor known or possessed only by the authorized user. It also does not include identifying information on a student's religion, race, color, social position, or nationality.

- 4. Pursuant to applicable law, Independent School District No. 146 hereby gives notice to parents of students and eligible students in grades 11 and 12 of their rights regarding release of information to military recruiting officers and post-secondary educational institutions. The school district must 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 recruiters 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.

Data released to military recruiting officers under this provision 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 and cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

INDEPENDENT SCHOOL DISTRICT NO. 146 Barnesville, Minnesota

Dated:_____

Chair

**JUVENILE JUSTICE SYSTEM
REQUEST FOR INFORMATION**

Family Educational Rights and Privacy Act
Minnesota Government Data Practices Act, Minn. Stat. § 13.32, Subds. 3(i) and 8(b)

DATE/TIME OF REQUEST: _____

TO: _____
(Superintendent of school district or chief administrative officer of school)

FROM: _____
(Requester's name/agency)

STUDENT: _____

BASIS FOR REQUEST:

_____ Juvenile delinquency investigation/prosecution

_____ Child protection assessment/investigation

_____ Investigation/filing of CHIPS or delinquency petition

REASON FOR REQUEST: (Requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student)

RESPONSE TO REQUEST:

The school must indicate whether it has data on the student that document any activity or behavior marked by the requester.

INFORMATION REQUESTED: (*mark all that apply*) **RESPONSE PROVIDED:** (*yes / no*)

Indicate whether you have data that document the student's:

_____ Use of a controlled substance, alcohol, or tobacco _____

_____ Assaultive or threatening conduct as defined in Minn. Stat. § 13.32, Subd. 8 _____

_____ Possession or use of weapons or look-alike weapons _____

_____ Theft _____

_____ Vandalism and damage to property _____

CERTIFICATION: The undersigned certifies that he or she is a member of the juvenile justice system. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that he or she understands that, by signing this request, he or she is subject to the penalties in Minn. Stat. § 13.09.

Signature/Title

516 STUDENT MEDICATION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

The school district acknowledges that some students may require prescribed drugs or medication during the school day. The school district's licensed school nurse, trained health clerk, principal, or teacher will administer prescribed medications, except any form of medical cannabis, in accordance with law and school district procedures.

III. REQUIREMENTS

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

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copy of such form to the principal and to other personnel designated to administer the medication.

- I. Procedures for administration of drugs and medicine at school and school activities shall be developed in consultation with a school nurse, a licensed school nurse, or a public or private health organization or other appropriate party (if appropriately contracted by the school district under 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.
- J. If the administration of a drug or medication described in this section requires the school district to store the drug or medication, the parent or legal guardian must inform the school if the drug or medication is a controlled substance. For a drug or medication that is not a controlled substance, the request must include a provision designating the school district as an authorized entity to transport the drug or medication for the purpose of destruction if any unused drug or medication remains in the possession of school personnel. For a drug or medication that is a controlled substance, the request must specify that the parent or legal guardian is required to retrieve the drug or controlled substance when requested by the school.
- K. Specific Exceptions:
 1. Special health treatments and health functions such as catheterization, tracheostomy suctioning, and gastrostomy feedings do not constitute administration of drugs and medicine;
 2. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy;
 3. Drugs or medicine provided or administered by a public health agency to prevent or control an illness or a disease outbreak are not governed by this policy;
 4. Drugs or medicines used at school in connection with services for which a minor may give effective consent are not governed by this policy;
 5. Drugs or medicines that are prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
 - a. the school district has received a written authorization from the pupil's parent permitting the student to self-administer the medication;
 - b. the inhaler is properly labeled for that student; and
 - c. the parent has not requested school personnel to administer the medication to the student.

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

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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.

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

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

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

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

9. A student may possess and apply a topical sunscreen product during the school day while on school property or at a school-sponsored event without a

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prescription, physician's note, or other documentation from a licensed health care professional. School personnel are not required to provide sunscreen or assist students in applying sunscreen.

- L. "Parent" for students 18 years old or older is the student.
- M. Districts and schools may obtain and possess epinephrine auto-injectors to be maintained and administered by school personnel to a student or other individual if, in good faith, it is determined that person is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for an epinephrine auto-injector. The administration of an epinephrine auto-injector in accordance with this section is not the practice of medicine.

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

- N. Procedure regarding unclaimed drugs or medications.
 - 1. The school district has adopted the following procedure for the collection and transport of any unclaimed or abandoned prescription drugs or medications remaining in the possession of school personnel in accordance with this policy. Before the transportation of any prescription drug or medication under this policy, the school district shall make a reasonable attempt to return the unused prescription drug or medication to the student's parent or legal guardian. Transportation of unclaimed or unused prescription drugs or medications will occur at least annually, but may occur more frequently at the discretion of the school district.
 - 2. If the unclaimed or abandoned prescription drug is not a controlled substance as defined under Minnesota Statutes 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.

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.21 (Hiring of Health Personnel)
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)

Adopted:

Revised: 11.20.2023

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by Secondary Students)

Minn. Stat. § 121A.223 (Possession and Use of Sunscreen)

Minn. Stat. § 151.212 (Label of Prescription Drug Containers)

Minn. Stat. § 152.01 (Definitions)

Minn. Stat. § 152.22 (Definitions)

Minn. Stat. § 152.23 (Limitations)

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)

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I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. STUDENT SURVEYS IN GENERAL

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

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

- A. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, shall be available for inspection by the parents or guardians of the students.

Adopted:

Revised: ⁴⁶⁸11.20.2023

Effective: 11.20.2023

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- B. No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent, to submit to a survey that reveals information concerning:
1. political affiliations or beliefs of the student or the student's parent;
 2. mental and psychological problems of the student or the student's family;
 3. sex behavior or attitudes;
 4. illegal, antisocial, self-incriminating, or demeaning behavior;
 5. critical appraisals of other individuals with whom respondents have close family relationships;
 6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 7. religious practices, affiliations, or beliefs of the student or the student's parent; or
 8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
- C. A school district that receives funds under any program funded by the U.S. Department of Education shall develop local policies consistent with Sections IV.A. and IV.B., above, concerning student privacy, parental access to information, and administration of certain physical examinations to minors.
1. The following policies are to be adopted in consultation with parents:
 - a. The right of a parent to inspect, on request, a survey, including an evaluation, created by a third party before the survey is administered or distributed by a school to a student, including procedures for granting a parent's request for reasonable access to such survey within a reasonable period of time after the request is received.

"Parent" means a legal guardian or other person acting *in loco parentis* (in place of a parent), such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child.
 - b. Arrangements to protect student privacy in the event of the administration or distribution of a survey, including an evaluation, to a student which contains one or more of the items listed in Section IV.B., above, including the right of a parent of a student to inspect, on request, any such survey.

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- c. The right of a parent of a student to inspect, on request, any instructional material used as part of the educational curriculum for the student and procedures for granting a request by a parent for such access within a reasonable period of time after the request is received.

"Instructional material" means instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (i.e., materials accessible through the Internet). The term does not include academic tests or academic assessments.

- d. The administration of physical examinations or screenings that the school district may administer to a student. This provision does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (20 United States Code section 1400, *et seq.*).

- e. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing the information to others for that purpose), including arrangements to protect student privacy that are provided by the school district in the event of such collection, disclosure, or use.

- (1) "Personal information" means individually identifiable information including a student or parent's first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; or a Social Security identification number.

- (2) This provision does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as:

- (a) college or other post-secondary education recruitment or military;
- (b) book clubs, magazines, and programs providing access to low cost literary products;
- (c) curriculum and instructional materials used by elementary and secondary schools;
- (d) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistically useful data for the purpose of securing such

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- tests and assessments and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- (e) the sale by students of products or services to raise funds for school-related or education-related activities; and
 - (f) student recognition programs.
- (3) The right of a parent to inspect, on request, any instrument used in the collection of information, as described in Section IV.C.1., Subparagraph e., above, before the instrument is administered or distributed to a student and procedures for granting a request by a parent for reasonable access to such an instrument within a reasonable period of time after the request is received.
2. The policies adopted under Section IV.C., Subparagraph 1., above, shall provide for reasonable notice of the adoption or continued use of such policies directly to parents of students enrolled in or served by the school district.
- a. The notice will be provided at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy.
 - b. The notice will provide parents with an opportunity to opt out of participation in the following activities:
 - (1) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
 - (2) The administration of any third-party survey (non-Department of Education funded) containing one or more of the items contained in Section IV.B., above.
 - (3) Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or other students.

"Invasive physical examination" means any medical examination that involves the exposure of private body parts, or act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
 - c. The notice will advise students of the specific or approximate dates

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during the school year when the activities in Section IV.C.2., Subparagraph b., above, are scheduled, or expected to be scheduled.

- d. The notice provisions shall not be construed to preempt applicable provisions of state law that require parental notification and do not apply to any physical examination or screening that is permitted or required by applicable state law, including physical examinations or screenings that are permitted without parental notification.

V. NOTICE

- A. The school district must give parents and students notice of this policy at the beginning of each school year and after making substantive changes to this policy.
- B. The school district must inform parents at the beginning of the school year if the district or school has identified specific or approximate dates for administering surveys and give parents reasonable notice of planned surveys scheduled after the start of the school year. The school district must give parents direct, timely notice when their students are scheduled to participate in a student survey by United States mail, e-mail, or another direct form of communication.
- C. The school district must give parents the opportunity to review the survey and to opt their students out of participating in the survey.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.065 (District Surveys to Collect Student Information; Parent Notice and Opportunity for Opting Out)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. § 1232h (Protection of Pupil Rights)
34 C.F.R. § 99 (Family Educational Rights and Privacy Act Regulations)
Gonzaga University v. Doe, 536 U.S. 273 (2002)
C.N. v. Ridgewood Bd. of Educ., 430 F.3d. 159 (3rd Cir. 2005)
Fields v. Palmdale School Dist., 427 F.3d. 1197 (9th Cir. 2005)

Cross References: MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedure and Process)

STUDENT DISABILITY NONDISCRIMINATION

BARENSVILLE PUBLIC SCHOOL
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POLICY 521
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I. PURPOSE

The purpose of this policy is to protect students with disabilities from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973 (Section 504), need services, accommodations, or programs in order that such learners may receive a free appropriate public education.

II. GENERAL STATEMENT OF POLICY

- A. Students with disabilities who meet the criteria of Paragraph C. below are protected from discrimination on the basis of a disability.
- B. The responsibility of the school district is to identify and evaluate learners who, within the intent of Section 504, need services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
 - 1. has a physical or mental impairment that substantially limits one or more of such person's major life activities; or
 - 2. has a record of such an impairment; or
 - 3. is regarded as having such an impairment.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

III. COORDINATOR

Persons who have questions or comments should contact [High School Principal Bryan Strand 302 3rd Street SE, Barnesville, MN 56514, \(218\) 354-2228](#) or [Elementary Principal Todd Henrickson, 310 5th Street SE, Barnesville, MN 56514, \(218\) 354-2300](#) ~~(title, name, office address, and telephone number).~~ ~~These individuals are~~ This person is the school district's Americans with Disabilities Act/Section 504 coordinator~~s~~. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Discrimination Grievance Report Form. The form should be given to the ADA/Section 504 coordinator.

Legal References:

42 U.S.C. Ch. 126 (Equal Opportunity for Individuals with Disabilities)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. Part 104 (Section 504 Implementing Regulations)

Cross References: MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

INDEPENDENT SCHOOL DISTRICT NO. 146

STUDENT DISABILITY DISCRIMINATION GRIEVANCE REPORT FORM

General Statement of Policy Prohibiting Disability Discrimination

Independent School District No. 146 maintains a firm policy prohibiting all forms of discrimination on the basis of a disability. All persons are to be treated with respect and dignity. Discrimination on the basis of a disability will not be tolerated under any circumstances.

Complainant: _____

Home Address: _____

Work Address: _____

Home Phone: _____ Work Phone: _____

I have been discriminated against based on (choose one or more):

[my disability] / [a record of my disability] / [being regarded as having a disability]

because _____

Date of alleged incident(s): _____

Name of person you believe discriminated against you or another person: _____

If the alleged discrimination was toward another person, identify that person: _____

Describe the incident(s) as clearly as possible, including such things as: any verbal statements; what, if any, physical contact was involved; etc. (attach additional pages if necessary): _____

Location of the incident(s): _____

List any witnesses that were present: _____

This complaint is filed based on my honest belief that _____ has discriminated against me or another person based on a disability. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

(Complainant Signature)

(Date)

Received by: _____

(Date)

TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURES AND PROCESS

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I. GENERAL STATEMENT OF POLICY

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

Megan Hoyer, Guidance Counselor, 302 3rd Street SE, Barnesville, MN 56514, (218) 354-2228

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

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

II. DEFINITIONS

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday,

Adopted:

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excluding State-recognized holidays).

- D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- E. "Education program or activity" means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- F. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.
 - 1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
 - 2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- G. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- H. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- I. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- J. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- K. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:

Adopted:

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1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
 2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
 3. Any instance of sexual assault (as defined in the Clery Act, 20 United States Code section 1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 United States Code section 12291).
- L. "Supportive measures" means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minnesota Statutes section 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.
- M. "Title IX Personnel" means any person who addresses, works on, or assists with the school district's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
1. "Title IX Coordinator" means an employee of the school district that coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
 2. "Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.
 3. "Decision-maker" means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
 4. "Appellate Decision-maker" means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints.

Adopted:

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The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.

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

III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

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

B. Objective and Unbiased Evaluation of Complaints

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

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

D. Confidentiality

The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any

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witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 United States Code section 1232g, FERPA regulations, 34 Code of Federal Regulations part 99, Minnesota law under Minnesota Statutes section 13.32, or as required by law, or to carry out the purposes of 34 Code of Federal Regulations part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

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

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

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

F. Notice

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

G. Consolidation

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

H. Evidence

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

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medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

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

J. Timelines

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

K. Potential Remedies and Disciplinary Sanctions

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

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

IV. REPORTING PROHIBITED CONDUCT

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

V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

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

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special education student or Section 504 student on an emergency basis.

B. Employee Administrative Leave

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

VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

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

VIII. DISMISSAL OF A FORMAL COMPLAINT

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
 - 1. Would not meet the definition of sexual harassment, even if proven;
 - 2. Did not occur in the school district's education program or activity; or
 - 3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:

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

IX. INVESTIGATION OF A FORMAL COMPLAINT

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

X. DETERMINATION REGARDING RESPONSIBILITY

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NOTE: The Title IX regulations do not require school districts to conduct live hearings as part of the decision-making phase of the grievance process. Accordingly, this Policy does not include procedures for a live hearing.

- A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.
- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
 - 1. Identification of the allegations potentially constituting sexual harassment;
 - 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
 - 3. Findings of fact supporting the determination;
 - 4. Conclusions regarding the application of the school district's code of conduct to the facts;
 - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the complainant; and
 - 6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.

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- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

XI. APPEALS

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

XII. RETALIATION PROHIBITED

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making

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a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

- B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.
- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XIII. TRAINING

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

XIV. DISSEMINATION OF POLICY

- A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.

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

XV. RECORDKEEPING

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

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4. All materials used to train Title IX Personnel.

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

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

INTERNET ACCEPTABLE USE AND SAFETY POLICY

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I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. LIMITED EDUCATIONAL PURPOSE

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

IV. USE OF SYSTEM IS A PRIVILEGE

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

V. UNACCEPTABLE USES

- A. While not an exhaustive list, the following uses of the school district system and Internet resources or accounts are considered unacceptable:
 - 1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
 - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
 - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;

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- c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - d. information or materials that could cause damage or danger of disruption to the educational process;
 - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
- 2. Users will not use the school district system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
- 3. Users will not use the school district system to engage in any illegal act or violate any local, state, or federal statute or law.
- 4. Users will not use the school district system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
- 5. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
- 6. Users will not use the school district system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.
 - a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
 - b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
 - (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or

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- (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

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

- c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "Facebook," "Twitter," "Instagram," "Snapchat," "TikTok," "Reddit," and similar websites or applications.
7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person's account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.
 8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
 9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
 10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district's Bullying Prohibition Policy. This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. The school district has a special interest in regulating off-campus speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations may include, but are not limited to, serious or severe bullying or harassment targeting particular individuals, threats aimed at teachers or other students, failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities, and breaches of school security devices. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district

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may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.

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

VI. FILTER

- A. With respect to any of its computers with Internet access, the school district will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
 - 1. Obscene;
 - 2. Child pornography; or
 - 3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
 - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

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VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

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

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents may have the right at any time to investigate or review the contents of their child's files and e-mail files in accordance with the school district's Protection and Privacy of Pupil Records Policy. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure, or discovery under Minnesota Statutes chapter 13 (Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

IX. INTERNET USE AGREEMENT

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

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X. LIMITATION ON SCHOOL DISTRICT LIABILITY

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

XI. USER NOTIFICATION

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
 - 1. Notification that Internet use is subject to compliance with school district policies.
 - 2. Disclaimers limiting the school district's liability relative to:
 - a. Information stored on school district diskettes, hard drives, or servers.
 - b. Information retrieved through school district computers, networks, or online resources.
 - c. Personal property used to access school district computers, networks, or online resources.
 - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
 - 3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
 - 4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
 - 5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
 - 6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Public and Private Personnel Data Policy, and Protection and Privacy of Pupil Records Policy.
 - 7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action

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may be taken and/or appropriate legal action may be taken.

8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
 1. A copy of the user notification form provided to the student user.
 2. A description of parent/guardian responsibilities.
 3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
 4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
 5. A statement that the school district's acceptable use policy is available for parental review.

XIII. NOTIFICATION REGARDING TECHNOLOGY PROVIDERS

- A. "Technology provider" means a person who:
 1. contracts with the school district, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and
 2. creates, receives, or maintains educational data pursuant or incidental to a contract with the school district.
- B. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- C. Within 30 days of the start of each school year, the school district must give parents and students direct and timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:
 1. identify each curriculum, testing, or assessment technology provider with access to educational data;
 2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and

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3. include information about the contract inspection and provide contact information for a school department to which a parent or student may direct questions or concerns regarding any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.
- D. The school district must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.
- E. A contract between a technology provider and the school district must include requirements to ensure appropriate security safeguards for educational data. The contract must require that:
 1. the technology provider's employees or contractors have access to educational data only if authorized; and
 2. the technology provider's employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.
- F. All educational data created, received, maintained, or disseminated by a technology provider pursuant or incidental to a contract with a public educational agency or institution are not the technology provider's property.

XIV. SCHOOL-ISSUED DEVICES

- A. "School-issued device" means hardware or software that the school district, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.
- B. Except as provided in paragraph C, the school district or a technology provider must not electronically access or monitor:
 1. any location-tracking feature of a school-issued device;
 2. any audio or visual receiving, transmitting, or recording feature of a school-issued device; or
 3. student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.
- C. The school district or a technology provider may only engage in activities prohibited by paragraph B if:
 1. the activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring by school district employees, student teachers, staff contracted by the school district, a vendor, or the Minnesota Department of Education, and notice is provided in advance;
 2. the activity is permitted under a judicial warrant;
 3. the school district is notified or becomes aware that the device is missing or

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stolen;

4. the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;
 5. the activity is necessary to comply with federal or state law, including but not limited to Minnesota Statutes section 121A.031; or
 6. the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.
- D. If the school district or a technology provider interacts with a school-issued device as provided in paragraph C, clause 4, it must, within 72 hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within 72 hours after that imminent threat has ceased.

XV. CELL PHONE USE

1. Students are ~~limited~~~~prohibited~~ from using cell phones and other electronic communication devices during the instructional day. Students also are prohibited from using a cell phone or other electronic communication device to engage in conduct prohibited by school district policies including, but not limited to, cheating, bullying, harassment, and malicious and sadistic conduct.
2. If the school district has a reasonable suspicion that a student has violated a school policy, rule, or law by use of a cell phone or other electronic communication device, the school district may search the device. The search of the device will be reasonably related in scope to the circumstances justifying the search.
3. Students who use an electronic communication device ~~during the school day and/or~~ in violation of school district policies may be subject to disciplinary action pursuant to the school district's discipline policy. In addition, a student's cell phone or electronic communication device may be confiscated by the school district and, if applicable, provided to law enforcement. Cell phones or other electronic communication devices that are confiscated and retained by the school district will be returned in accordance with school building procedures.

XVI. LIMIT ON SCREEN TIME FOR CHILDREN IN PRESCHOOL AND KINDERGARTEN

A child in a publicly funded preschool or kindergarten program may not use an individual-use screen, such as a tablet, smartphone, or other digital media, without engagement from a teacher or other students. This section does not apply to a child for whom the school has an individualized family service plan, an individualized education program, or a 504 plan in effect.

XVII. IMPLEMENTATION; POLICY REVIEW

- A. The school district administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.

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

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 124D.166 (Limit on Screen Time for Children in Preschool and Kindergarten)
Minn. Stat. § 125B.15 (Internet Access for Students)
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)
17 U.S.C. § 101 *et seq.* (Copyrights)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
47 C.F.R. § 54.520 (FCC rules implementing CIPA)
Mahanoy Area Sch. Dist. v. B.L., 594 U.S. ___, 141 S. Ct. 2038 (2021)
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)
United States v. Amer. Library Assoc., 539 U.S. 194 (2003)
Sagehorn v. Indep. Sch. Dist. No. 728, 122 F.Supp.2d 842 (D. Minn. 2015)
R.S. v. Minnewaska Area Sch. Dist. No. 2149, 894 F.Supp.2d 1128 (D. Minn. 2012)
Tatro v. Univ. of Minnesota, 800 N.W.2d 811 (Minn. App. 2011), *aff'd* on other grounds 816 N.W.2d 509 (Minn. 2012)
S.J.W. v. Lee's Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012)
Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist., 853 F.Supp.2d 888 (W.D. Mo. 2012)
M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)

Cross References:

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

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THE PLEDGE OF ALLEGIANCE

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POLICY 531
SERIES 500 STUDENTS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

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

III. EXCEPTIONS

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

IV. INSTRUCTION

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

Legal References: Minn. Stat. § 121A.11, Subd. 3 and Subd. 4 (United States Flag)

Cross References: None

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

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POLICY 532
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I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

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

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

III. DEFINITIONS

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

- A. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- B. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury.
- C. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- D. "Police liaison officer" is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- E. The phrase "remove the student from school grounds" is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).

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

IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS

A. Removal By Crisis Team

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

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

B. Removal By Police Liaison Officer or Peace Officer

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

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

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school district reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy, Protection and Privacy of Pupil Records.

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Reasonable Force Permitted

1. In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the police liaison officer or other agents of the school district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another

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

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2. In removing a student with an IEP from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:
 - a. Corporal punishment prohibited by Minnesota Statutes, section 121A.58;
 - b.. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
 - c. Totally or partially restricting a child's senses as punishment;
 - d. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
 - e. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes, Chapter 260E;
 - f. Physical holding (as defined in Minnesota Statutes, section 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
 - g. Withholding regularly scheduled meals or water; and/or
 - h. Denying a child access to toilet facilities.
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

D. Parental Notification

The building administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIIP.

F. Effect of Policy in an Emergency; Use of Restrictive Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the school district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minnesota Statutes, section 125A.0942, subdivision 5, and otherwise comply with the requirements of section 125A.0942.

G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, districts must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, districts must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 121A.67 (Removal by Police Officer)
Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
Minn. Stat. § 609.06 (Authorized Use of Force)
Minn. Stat. § 609.379 (Permitted Actions)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))
20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Act)
34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

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

WELLNESS POLICY

BARENSVILLE PUBLIC SCHOOL
ISD 146

POLICY 533
SERIES 500 STUDENTS

I. PURPOSE

The purpose of this policy is to set forth methods that promote student wellness, prevent and reduce childhood obesity, and assure that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum local, state, and federal standards.

II. GENERAL STATEMENT OF POLICY

- A. The school board recognizes that nutrition promotion and education, physical activity, and other school-based activities that promote student wellness are essential components of the educational process and that good health fosters student attendance and learning.
- B. The school environment should promote students' health, well-being, and ability to learn by encouraging healthy eating and physical activity.
- C. The school district encourages the involvement of parents, students, representatives of the school food authority, teachers, school health professionals, the school board, school administrators, and the general public in the development, implementation, and periodic review and update of the school district's wellness policy.
- D. Children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive.
- E. All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- F. Qualified food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

III. WELLNESS GOALS

- A. Nutrition Promotion and Education
 - 1. The school district will encourage and support healthy eating by students and engage in nutrition promotion that is:
 - a. offered as part of a comprehensive program designed to provide students with the knowledge and skills necessary to promote and protect their health;
 - b. part of health education classes, as well as classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects, where appropriate; and
 - c. enjoyable, developmentally appropriate, culturally relevant, and includes participatory activities, such as contests, promotions, taste testing, and field trips.
 - 2. The school district will encourage all students to make age appropriate, healthy selections of foods and beverages, including those sold individually outside the reimbursable school meal programs, such as through a la carte/snack lines, vending machines, fundraising events, concession stands, and student stores.

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B. Physical Activity

1. Students need opportunities for physical activity and to fully embrace regular physical activity as a personal behavior. Toward that end, health and physical education will reinforce the knowledge and self-management skills needed to maintain a healthy lifestyle and reduce sedentary activities, such as watching television;
2. Opportunities for physical activity will be incorporated into other subject lessons, where appropriate; and
3. Classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

C. Communications with Parents

1. The school district recognizes that parents and guardians have a primary role in promoting their children's health and well-being.
2. The school district will support parents' efforts to provide a healthy diet and daily physical activity for their children.
3. The school district encourages parents to pack healthy lunches and snacks and refrain from including beverages and foods without nutritional value.
4. The school district will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to provide their children with opportunities to be physically active outside of school.

IV. STANDARDS AND NUTRITION GUIDELINES

A. School Meals

1. The school district will provide healthy and safe school meal programs that comply with all applicable federal, state, and local laws, rules, and regulations.
2. Food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students.
3. Food service personnel will try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning.
4. Food service personnel will provide clean, safe, and pleasant settings and adequate time for students to eat.
5. Food service personnel will take every measure to ensure that student access to foods and beverages meets or exceeds all applicable federal, state, and local laws, rules, and regulations and that reimbursable school meals meet USDA nutrition standards.
6. Food service personnel shall adhere to all applicable federal, state, and local food safety and security guidelines.

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7. The school district will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals.
8. The school district will provide students access to hand washing or hand sanitizing before they eat meals or snacks.
9. The school district will make every effort to provide students with sufficient time to eat after sitting down for school meals and will schedule meal periods at appropriate times during the school day.
10. The school district will discourage tutoring, club, or organizational meetings or activities during mealtimes unless students may eat during such activities.

B. School Food Service Program/Personnel

1. The school district shall designate an appropriate person to be responsible for the school district's food service program, whose duties shall include the creation of nutrition guidelines and procedures for the selection of foods and beverages made available on campus to ensure food and beverage choices are consistent with current USDA guidelines.
2. As part of the school district's responsibility to operate a food service program, the school district will provide continuing professional development for all food service personnel in schools.

C. Competitive Foods and Beverages

1. All foods and beverages sold on school grounds to students, outside of reimbursable meals, are considered "competitive foods." Competitive foods include items sold a la carte in the cafeteria, from vending machines, school stores, and for in-school fundraisers.
2. All competitive foods will meet the USDA Smart Snacks in School (Smart Snacks) nutrition standards and any applicable state nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits.
3. Before and Aftercare (child care) programs must also comply with the school district's nutrition standards unless they are reimbursable under USDA school meals program, in which case they must comply with all applicable USDA standards.

D. Other Foods and Beverages Made Available to Students

1. Student wellness will be a consideration for all foods offered, but not sold, to students on the school campus, including those foods provided through:
 - a. Celebrations and parties. The school district will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas.
 - b. Classroom snacks brought by parents. The school district will provide to parents a list of suggested foods and beverages that meet Smart Snacks nutrition standards.

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2. Rewards and incentives. Schools will not use foods or beverages as rewards for academic performance or good behavior (unless this practice is allowed by a student's individual education plan or behavior intervention plan) and will not withhold food or beverages as punishment.
3. Fundraising. The school district will make available to parents and teachers a list of suggested healthy fundraising ideas.

E. Food and Beverage Marketing in Schools

1. School-based marketing will be consistent with nutrition education and health promotion.
2. Schools will restrict food and beverages marketing to the promotion of only those foods and beverages that meet the Smart Snacks nutrition standards.

V. WELLNESS LEADERSHIP AND COMMUNITY INVOLVEMENT

A. Wellness Coordinator

1. The superintendent will designate a school district official to oversee the school district's wellness-related activities (Wellness Coordinator). The Wellness Coordinator will ensure that each school implements the policy.
2. The principal of each school, or a designated school official, will ensure compliance within the school and will report to the Wellness Coordinator regarding compliance matters upon request.

B. Public Involvement

1. The Wellness Coordinator will permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the wellness policy.
2. The Wellness Coordinator will hold meetings, from time to time, for the purpose of discussing the development, implementation, and periodic review and update of the wellness policy. All meeting dates and times will be posted on the school district's website and will be open to the public.

VI. POLICY IMPLEMENTATION AND MONITORING

A. Implementation and Publication

1. After approval by the school board, the wellness policy will be implemented throughout the school district.
2. The school district will post its wellness policy on its website, to the extent it maintains a website.

B. Annual Reporting

The Wellness Coordinator will annually inform the public about the content and implementation of the wellness policy and make the policy and any updates to the policy available to the public.

C. Triennial Assessment

WELLNESS POLICY

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1. At least once every three years, the school district will evaluate compliance with the wellness policy to assess the implementation of the policy and create a report that includes the following information:
 - a. the extent to which schools under the jurisdiction of the school district are in compliance with the wellness policy;
 - b. the extent to which the school district's wellness policy compares to model local wellness policies; and
 - c. a description of the progress made in attaining the goals of the school district's wellness policy.
2. The Wellness Coordinator will be responsible for conducting the triennial assessment.
3. The triennial assessment report shall be posted on the school district's website or otherwise made available to the public.

D. Recordkeeping

The school district will retain records to document compliance with the requirements of the wellness policy. The records to be retained include, but are not limited to:

1. The school district's written wellness policy.
2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public.
3. Documentation of the triennial assessment of the local school wellness policy for each school under the school district's jurisdiction efforts to review and update the wellness policy (including an indication of who is involved in the update and methods the school district uses to make stakeholders aware of their ability to participate on the Wellness Committee).

Legal References: Minn. Stat. § 121A.215 (Local School District Wellness Policy; Website)
42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)
42 U.S.C. § 1758b (Local School Wellness Policy)
42 U.S.C. § 1771 *et seq.* (Child Nutrition Act)
7 U.S.C. § 5341 (Establishment of Dietary Guidelines)
7 C.F.R. § 210.10 (School Lunch Program Regulations)
7 C.F.R. § 220.8 (School Breakfast Program Regulations)

Local Resources: Minnesota Department of Education, www.education.state.mn.us
Minnesota Department of Health, www.health.state.mn.us
County Health Departments
Action for Healthy Kids Minnesota, www.actionforhealthykids.org
United States Department of Agriculture, www.fns.usda.gov

16. Discussion/Information	
17. Enrollment Update	

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Barnesville Public School
Student Enrollment
SY 2023-2024

	2023-24 Projection	Sep 8	Oct 1	Nov 1	Dec 1	Jan 1	Feb 1	Mar 1	Apr 1	May 1	May 25
Grade K	70	56	56	56							
Grade 1	76	74	74	74							
Grade 2	75	72	72	72							
Grade 3	73	76	76	76							
Grade 4	72	72	72	72							
Grade 5	66	76	76	76							
Grade 6	69	68	68	68							
	502	494	494	494	0	0	0	0	0	0	0
Grade 7	71	59	59	59							
Grade 8	69	74	74	74							
Grade 9	66	60	60	60							
Grade 10	68	58	58	58							
Grade 11	67	59	59	60							
Grade 12	58	68	68	68							
	399	378	378	379	0	0	0	0	0	0	0
Grades K-12	901	872	872	873	0	0	0	0	0	0	0

18. Dates to Remember

A. Regular School Board Meeting

1) Monday, December 18, 2023, 7:00 PM

B. Truth in Taxation Hearing

1) Monday, December 18, 2023, 7:15 PM

19. Adjournment