

Regular Board Meeting  
Monday, May 16, 2022 6:30 PM

SPCC-Governor's Room  
600 S. 5th St.  
Saint Peter, MN 56082

## **Agenda**

- I. **Call Meeting to Order**
- II. **Pledge of Allegiance**
- III. **Consideration and Adoption of the Agenda**
- IV. **Consider Requests to Speak on the Agenda**
- V. **Approval of Consent Agenda Items**
- VI. **Student Spotlight**-Liliana Deming and Kaitlyn Henry, Saint Peter High School
  - VI.1. Student Council Report
- VII. **Action Items**
  - VII.1. Consider Policies for a Single Reading due to Inmaterial Changes
  - VII.2. Consider Second Reading of Revisions to the Policy Manual
  - VII.3. Consider Revisions of FY22 Budget
  - VII.4. Consider Resolution Designating Medsurety LLC and Matrix Trust as Health Reimbursement Arrangement Trustee
- VIII. **Information Items**
  - VIII.1. Summer Programming 2022
  - VIII.2. First Reading of Revisions to Policy Manual
  - VIII.3. School Board Election Filing Dates
- IX. **Reports**
  - IX.1. Building Principals
  - IX.2. Superintendent of Schools
  - IX.3. Board Members
    - IX.3.a. Around the Table
- X. **Upcoming Meetings of the School Board** Study Session-Longview Education  
Monday, May 23, 2022  
6:30PM  
SPMS-Conference Room A/B
- XI. Policy Committee  
Tuesday, May 24, 2022  
7:00AM  
DO
- XII. Graduation  
Friday, May 27, 2022  
8:00PM  
SPHS
- XIII. Education Committee  
Tuesday, June 14, 2022  
1:00PM  
SPMS-Conference Room A/B

Business Committee  
Thursday, June 16, 2022  
4:00PM

SPMS-Conference Room A/B

XIV. Regular Board Meeting

Monday, June 20, 2022

6:30PM

SPCC-Governor's Room

XV. **Adjournment**



## **ADDENDUM**

### **REGULAR BOARD MEETING Monday, May 16, 2022 SPCC-Governor's Room 6:30PM**

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#### **V. CONSENT AGENDA**

1. Approval of the Study Session minutes of April 7, 2022.
2. Approval of Regular Board Meeting minutes of April 18, 2022.
3. Approval of Bills (\$2,253,038.04) and Wire Transfers (\$3,238,504.72) for April 2022.
4. Contracts, MOUs and Agreements
  - a. The approval of a contract with Apptegy for district website services.
5. Personnel
  - a. The acceptance of the resignation of a social studies teacher (Kyle Hilding) at Saint Peter High School effective May 27, 2022.
  - b. The acceptance of the transfer of positions for middle school math teacher (Kurt Moelter). Mr. Moelter will move from Saint Peter Middle School to Saint Peter High School. This is a replacement position, due to a retirement.
  - c. The approval of the hiring of a custodial engineer (Veronica Otero) at Saint Peter Middle School beginning May 6, 2022.
  - d. The acceptance of the resignation of a custodial engineer (Gary Otero) at Saint Peter Middle School effective April 21, 2022.
  - e. The approval of the hiring of a Saints Overtime Assistant (Heidi Christensen) with Saint Peter Community and Family Education.
  - f. The approval of the hiring of a Saints Overtime Assistant (Dina Tolen) with Saint Peter Community and Family Education.
  - g. The approval of the hiring of a custodial engineer (Nathan Hughes) at Saint Peter Middle School effective May 9, 2022.

- h. The acceptance of the resignation of a School Readiness Assistant (Morgan Small) at Saint Peter Early Childhood.
- i. The approval of the hiring of an Early Childhood paraprofessional (Susan Butcha) beginning April 18, 2022.
- j. The acceptance of the resignation of a Head Cook (Sandra Dietrich) at Saint Peter Middle School effective May 26, 2022.
- k. The acceptance of the resignation of a high school counselor (Maggie Carlson) at Saint Peter High School at the end of the 2021-22 school year.
- l. The approval of the hiring of a Saints Overtime Assistant (Oscar Ramirez) with Saint Peter Community and Family Education.
- m. The approval of the hiring of a Saints Overtime Assistant (Laura Mendoza) with Saint Peter Community and Family Education.
- n. The approval of the hiring of a Coordinator of the Office of Education Equity (Ayan Musse) with Saint Peter Public Schools.
- o. The approval of a position shift to days for custodian (Joe Delacruz) at Saint Peter Middle School beginning May 31, 2022.
- p. The approval of a position shift to days for custodian (Jose Velasquez) at Saint Peter High School beginning May 31, 2022.
- q. The acceptance of the resignation of an art teacher (Liz Burnett) at Saint Peter Middle School.
- r. The approval of the hiring of a special education teacher (Heather Bakke) at Saint Peter High School for the 2022-23 school year.
- s. The approval of a medical leave request for a first-grade teacher (Heidi Schultz) at South Elementary from May 1, 2022-May 26, 2022.
- t. The approval of a high school diploma for Dustin Hutchins and Luiz Carrasco. Mrs. Sykora has indicated that they have met all requirements for graduation from Saint Peter High School

# **THE MINUTES OF THE MEETING HAVE NOT BEEN APPROVED**

## **Minutes of Study Session**

### **The School Board**

### **Saint Peter Public Schools**

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Members Present: Drew Dixon, Tim Lokensgard, Ben Leonard, Kate Martens, Charlie Potts, Tracy Stuewe & Bill Kautt.

Principals: Annette Engeldinger, Jon Graff, Darin Doherty, Doreen Oelke, Ytive Prafke & Jana Sykora

Administrative Team members: Marc Bachman, Tim Regner, Tami Skinner, Heather Deshayes & Shea Roehrkasse

Others present: Superintendent Bill Gronseth, and Kris Sandborg

A Study Session of the School Board of Saint Peter Public Schools was held Thursday, April 7, 2022, beginning at 6:30 PM in the Saint Peter Middle School-Media Center.

#### **I. Call Meeting to Order**

#### **II. Strategic Direction Plan Draft Presentation**

Members of the administrative team shared information about our process thus far as well as a draft of the strategic direction goals after gathering input data from staff, parents, and community members. Discussion included a description of the next steps in the process which would lead to a detailed action plan and measurable outcomes. The draft goals will be considered for acceptance at the Regular School Board Meeting.

#### **III. Upcoming Meetings of the School Board**

Regular Board Meeting

Monday, April 18, 2022

6:30PM

SPCC-Governor's Room

Policy Committee

Wednesday, March 27, 2022

4:00PM

SPMS-Conference Room A/B

#### **IV. Adjournment**

Dated: May 16, 2022

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Charlie Potts, Board Clerk

# **THE MINUTES OF THE MEETING HAVE NOT BEEN APPROVED**

## **Minutes of Regular Board Meeting**

### **The School Board**

### **Saint Peter Public Schools**

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Members Present: Drew Dixon, Tim Lokensgard, Ben Leonard, Kate Martens, Charlie Potts, Tracy Stuewe & Bill Kautt.

Principals: Jon Graff, Darin Doherty, Ytive Prafke & Jana Sykora

Administrative Team members: Marc Bachman, Tim Regner, Tami Skinner, Heather Deshayes

Others present: Superintendent Bill Gronseth and members of the public

A Regular Board Meeting of the School Board of Saint Peter Public Schools was held Monday, April 18, 2022, beginning at 6:30 PM in the SPCC-Governor's Room.

I. **Call Meeting to Order**-6:30 PM, Leonard

II. **Pledge of Allegiance**

III. **Consideration and Adoption of the Agenda** (Lokesngard/Stuewe, unanimous)

IV. **Consider Requests to Speak on the Agenda**

V. **Approval of Consent Agenda Items** (Stuewe/Martens, unanimous)

1. Approval of Regular Board Meeting minutes of March 21, 2022.
2. Approval of the Study Session minutes of April 7, 2022.
3. Approval of Bills (\$) and Wire Transfers (\$) for March 2022.
4. Gifts & Donations
  - a. The acceptance of a \$5,000 grant from Prairie Lakes Regional Arts Council to support the sPARK Mobile Art Studio.
5. Personnel
  - a. The acceptance of the retirement for the Head Custodian (Jeff Dietrich) at Saint Peter Middle School.
  - b. The acceptance of the transfer of a District Program Paraprofessional at North Elementary (Tasha Timmerman) to Special Education Paraprofessional at Saint Peter Middle School effective April 18, 2022.
  - c. The approval of the return to an abbreviated schedule for a paraprofessional (Debora Niederriter) at North Elementary beginning March 21, 2022.
  - d. The approval of the hiring of a special education & traffic support paraprofessional (Faiza Mohamoud) at South Elementary beginning April 4, 2022.

- e. The approval of the hiring of paraprofessional (Scott Blank) at Saint Peter High School beginning April 5, 2022.
- f. The approval of the retirement of a teacher (Lori Witzel) at Saint Peter High school effective May 27, 2022.
- g. The approval of a Family Medical Leave for an ECSE Paraprofessional (Heidi Mayo) from March 29, 2022 through the end of the 2021-2022 school year.
- h. The acceptance of the retirement for the SPPS Operations and Maintenance Supervisor (Marc Bachman) effective August 15, 2022.
- i. The approval of the hiring of a Custodial Engineer (Steven Ream) at Saint Peter Middle School beginning April 11, 2022.
- j. The approval of the hiring of a paraprofessional (William Riitters) at Saint Peter Middle School beginning April 18, 2022.
- k. The approval of the hiring of a Special Education Teacher (Olivia Mikkelson) at South Elementary for the 2022-2023 school year.
- l. The approval to designate the included items as obsolete and remove them from the district's inventory.

VI. **Student Spotlight**-Zebulon Davis, SPMS History Day state qualifier- Zebulon and his partner focused their History Day project on the 1989 Tiananmen Square protests and massacre in China. His project has been submitted to the state level and he should hear results soon. He enjoys science and health projects along with band at the middle school.

## VII. Action Items

1. Consider a Resolution of Non-Renewal of Probationary Teacher's Contracts-  
Hannah Berdan (Lokengard/Potts) Yay: Stuewe, Lokensgard, Potts, Dixon, Kautt, Martens, Leonard Nay: None, Resolution passed  
Cynthia Bruce (Stuewe/Kautt) Yay: Martens, Kautt, Dixon, Potts, Lokensgard, Stuewe, Leonard Nay: None, Resolution passed  
Ryan Timmerman (Dixon/Stuewe) Yay: Stuewe, Lokensgard, Potts, Dixon, Kautt, Martens, Leonard Nay: None, Resolution passed
2. Consider Approval of Bid for Proposals for Summer Projects (Lokensgard/Potts, unanimous)
3. Second Reading of Revisions to the Policy Manual (Martens/Dixon, unanimous)
4. Rejecting Food Service Bids and Pursuing a Self-Operations Model of Food Service (Dixon/Stuewe, unanimous)
5. Consider Approval of District Strategic Plan (Kautt/Stuewe, unanimous)  
 Kautt moved to accept the report from the administrative team and direct them to proceed with developing actionable steps to meet these goals/themes.
6. Consider a Resolution Approving Adult Basic Education Consortium Agreement (Martens/Stuewe) Yay: Stuewe, Lokensgard, Potts, Dixon, Kautt, Martens, Leonard Nay: None, Resolution passed

## VIII. Information Items

1. First Reading of Revisions to the Policy Manual-Mr. Gronseth reviewed several policies that the committee is currently looking at.
2. 2021 Graduation Rates-The 2021 graduation rate for Saint Peter Schools increased to 91.5%. This is something to celebrate!
3. Achievement & Integration Plan-Mr. Gronseth introduced Ayan Musse. Ayan will begin her role as Education Equity Coordinator for the district in July. Mrs. Prafke gave an update on the A&I plan for 2022-2025.

## IX. Reports

### 1. Building Principals

#### Early Childhood-

Planning for spring events and fall programming

The vehicle fair is back!

Registration for pre-school is open, parents can call the EC office

#### North-

MCA testing is underway

North finished second in the National Tex Decking Recycling Program, collecting over 500lbs of plastic film

3<sup>rd</sup> graders are going to Minnesota Science Museum

#### Middle School-

New lighting in the MS hallways

MCA testing continues

6<sup>th</sup> graders visited biz town in St. Paul as a culmination to their financial literacy course

#### Alternative Programs-

Final session of night school begins this week (37 students enrolled)

Finalizing plans for high school credit recovery over the summer-registration information should be available in early May

SCC representatives visited Rock Bend to finalize post-secondary plans

Guests and fieldtrips related to coursework are happening

### 2. Superintendent of Schools

Spring Break has wrapped up

Mr. Bachman will be missed at the district

Appreciative to spend the day with Ayan and have her on board

Ready to dig into actionable steps for the strategic plan and bring them to the board

We are in the final weeks of school-this is a busy time but we all need to stay engaged

### 3. Board Members

#### a. Around the Table

Drew Dixon-Proud of the band students and community members that went to Italy. They represented Saint Peter very well. He is also thankful for Dave Haugh for planning this opportunity for his students.

Bill Kautt-Bill will keep the board apprised of legislative news.

Tracy Stuewe- Community and staff input is sought and collected to create school year calendars that then come to the school board for approval. The school board does not create the calendars.

Tim Lokensgard- Drive carefully near school buses and farm equipment in the next month.

#### **X. Upcoming Meetings of the School Board**

Policy Committee

Wednesday, April 27, 2022

4:00PM

SPMS-Conference Room A/B

Education Committee

Tuesday, May 10, 2022

1:00PM

SPMS-Conference Room A/B

Business Committee

Wednesday, May 11, 2022

4:00PM

SPMS-Conference Room A/B

Regular Board Meeting

Monday, May 16, 2022

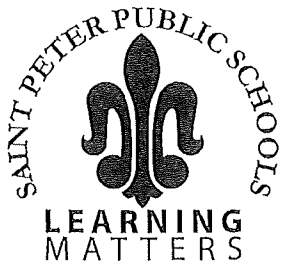
6:30PM

SPCC-Governor's Room

#### **XI. Adjournment** (Stuewe/Kautt, unanimous)

Dated: May 16, 2022

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Charlie Potts, Board Clerk



DISTRICT OFFICE  
100 Lincoln Drive, Suite 229  
Saint Peter, MN 56082-1351  
507-934-5703 (Office)  
507-934-2805 (Fax)  
www.stpeterschools.org

Date: 5/11/2022  
To: Dr. Bill Gronseth - Superintendent  
From: Bee Ong - Finance Accountant  
Re: **Monthly Construction Bills, Board Bills,  
Payroll & Student Activity Amounts:**

April 2022 - Construction Account	\$0.00
April 2022 - Board Bills	\$1,205,492.91
April 2022 - Payroll Account	\$1,037,954.79
April 2022 - Student Activity	\$9,590.34
	<hr/>
	<u>\$2,253,038.04</u>

St. Peter Public Schools  
Wire Transfer Report

Apr-22

MSDLAF Bond to FNB BO	4/28/2022	109,060.28	Closeout bond fund
Robert Baird to FNB BO	4/14/2022	2,745.99	Refund-balance of proceeds
FNB BO-Wire transfer fee	4/14/2022	10.00	
MSDLAF to FNB payroll account ACH	4/8/2022	50,000.00	
MSDLAF to FNB payroll account ACH	4/14/2022	475,000.00	
MSDLAF to FNB payroll account ACH	4/29/2022	500,000.00	
MSDLAF-Max to FNB BO	4/8/2022	200,000.00	
MSDLAF-Max to FNB BO	4/18/2022	575,000.00	
MSDLAF-Max to FNB BO	4/28/2022	505,000.00	
FNB-BO to BCBS - medicare health	4/21/22	16,308.00	
Wire of federal payroll taxes	4/4/2022	102.50	
Wire of federal payroll taxes	4/8/2022	10,432.21	
Wire of federal payroll taxes	4/15/2022	166,626.96	
Wire of federal payroll taxes	4/29/2022	156,476.10	
Wire of state payroll taxes	4/1/2022	28,227.06	
Wire of state payroll taxes	4/5/2022	8.18	
Wire of state payroll taxes	4/7/2022	1,810.56	
Wire of state payroll taxes	4/18/2022	7.68	
Wire of state payroll taxes	4/18/2022	28,195.80	
PERA payments	4/1/2022	105.95	
PERA payments	4/4/2022	75.60	
PERA payments	4/5/2022	23,126.96	
PERA payments	4/12/2022	4,608.73	
PERA payments	4/20/2022	23,485.98	
TRA payments	4/5/2022	88,417.54	
TRA payments	4/12/2022	1,494.58	
TRA payments	4/20/2022	88,338.46	
Further	4/5/2022	1,571.59	
Further	4/5/2022	2,739.73	
Further	4/12/2022	2,776.57	
Further	4/19/2022	33.22	
Further	4/19/2022	2,539.73	
Further	4/20/2022	2,739.73	
Further	4/22/2022	882.20	
Further	4/26/2022	165.33	
Horace Mann	4/6/2022	2,089.00	
Horace Mann	4/21/2022	2,089.00	
Ameriprise/NBSGroup Bill	4/1/2022	1,550.00	
Ameriprise/NBSGroup Bill	4/18/2022	1,550.00	
Ameriprise/NBSGroup Bill	4/29/2022	1,550.00	
Madison National Life	4/29/2022	3,166.30	Formerly paid by check
Pioneer - Dental direct debits	4/4/2022	3,816.81	
Pioneer - Dental direct debits	4/11/2022	1,999.26	
Pioneer - Dental direct debits	4/19/2022	2,366.08	
Pioneer - Dental direct debits	4/21/2022	1,512.50	
Pioneer - Dental direct debits	4/25/2022	2,987.52	
CCF - BCBS debits	4/7/2022	43,768.00	
CCF - BCBS debits	4/14/2022	30,108.86	
CCF - BCBS debits	4/21/2022	43,526.61	
CCF - BCBS debits	4/28/2022	28,251.61	
Electronic Deposit Fees - Gateway	4/5/2022	20.00	
Electronic Deposit Fees - Merch Billing	4/5/2022	39.95	
<b>Total Wires</b>		<b>3,238,504.72</b>	



# Powering Your School's Identity

Apptegy started in 2014 with the goal of enabling schools to build a strong brand and communicate more effectively with their audiences. In 2015, we worked with our first three beta clients. Today, in 2022 we've partnered with more than 2,500 clients in all 50 states to build their website, custom mobile app, and the alert and notification system.

## What Makes Us Different

### 1 Thrillshare's Ease of Use

With our publishing platform, Thrillshare, **you don't need to have any programming knowledge** to update your district's website, app or notification system. Now promoting your success stories across all communication channels can be done right from your smartphone.

### 2 The User Experience for Your Community

Wherever your community interacts with you online, **they'll be able to engage with ease**. No more pinching or pulling to view your website on a smartphone or being redirected somewhere else from your app.

### 3 Your Experience Working With Us

From the beginning, Apptegy set out to be more than a software provider. We strive to be a true partner and resource for our districts. That commitment and our personal, fast and easy support has earned Apptegy an unheard of **99% client retention rate**.

“

I have to tell you, this platform is GREAT. Thrillshare simplifies the process of posting things to various school online resources to the point where I can see where we will be sharing so much with parents, especially on the APP.

• • •

All of you at Apptegy have been absolutely wonderful to work with. We have received great feedback on our new website and app, and one of our most recent posts reached more people than we ever have! That would never have happened without Thrillshare!

”



# Scope & Deliverables

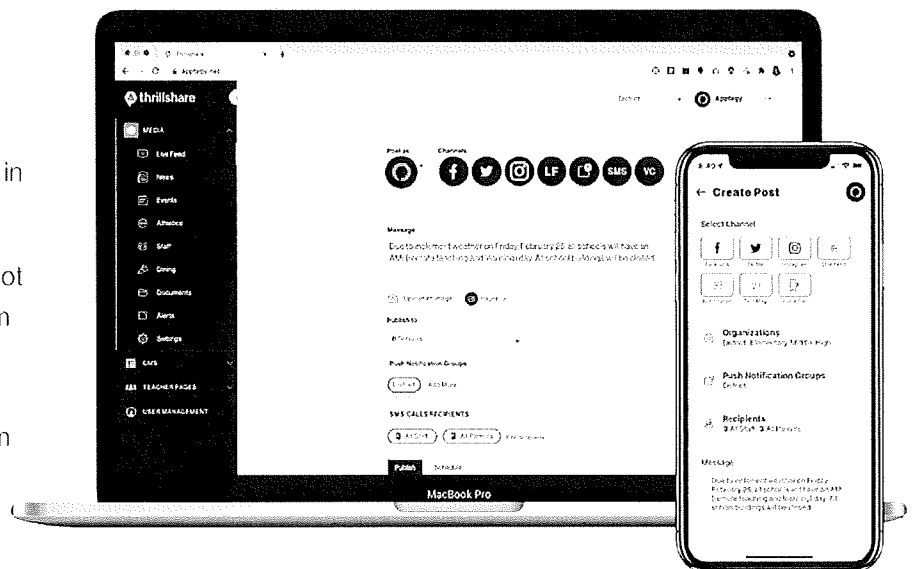
At Apptegy, we've developed the first publishing platform for school districts, so your team manages all of your communication channels from a single place. This means you'll share more stories with your community without creating more work for your staff.

By eliminating the technological barrier required to communicate, Thrillshare makes it easy to assign roles and privileges to your team to update what they care most about. With this level of customization and control, you can be confident about consistent messaging being shared with your community.

## Publishing Platform

From the beginning, Thrillshare was designed to contain all your district communication channels in one place.

Built specifically for school districts, Thrillshare not only manages your website, but also your custom mobile app, all of your social media channels, and your alerts and notification system. Keeping information up-to-date is **as easy as it gets**, from the lunch menu to your calendar and news.



## Mobile Apps

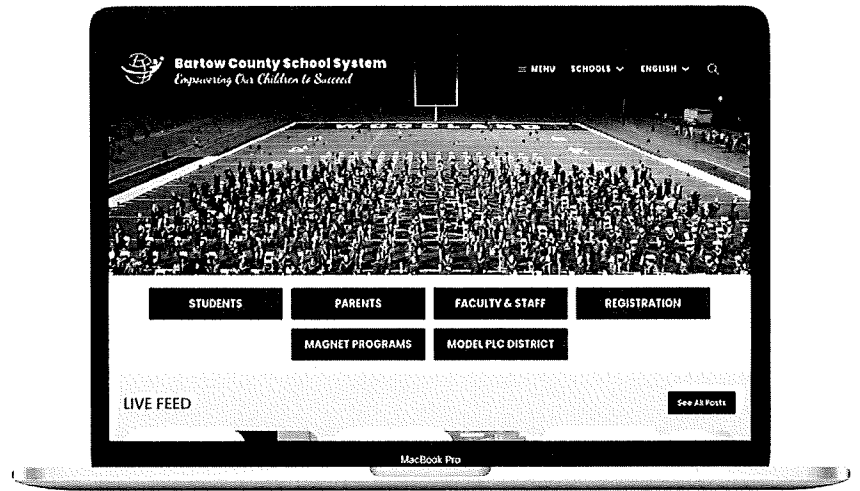
We build beautiful mobile apps for **Android** and **iPhone** that focus on what really matters: the user experience. A user experience that delights parents and community members means they will continue to come back to the app for meaningful information.





## Websites

We will work with you to understand how you want your district brand to come across by creating a new website. Within your common branding, each school webpage can be customized, using the school's specific colors, mascots, logos, etc. We want your website to stay fresh and never grow stale, so we **include a free re-design** with each year of our partnership.



## Alerts

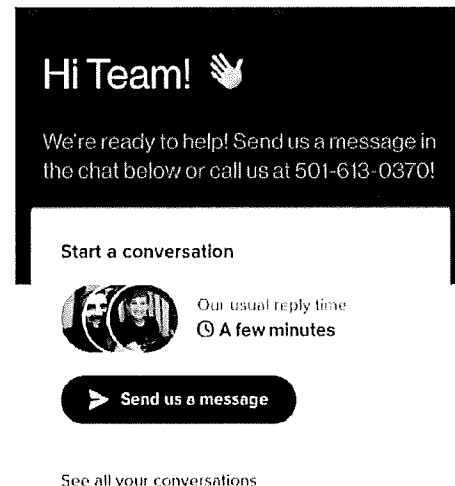
In order to save you time, we can automatically **sync with your Student Information System** so you can send out text, phone and email notifications. Easily send and schedule recurring alerts like attendance calls. Plus, with state-of-the-art technology, your text, email and voice calls can be automatically translated.



## Transition & Support

We handle all of the heavy lifting including design, development, static content migration, training and ongoing support. Your own dedicated contacts at Apptegy during implementation and after launch make it an easy transition for the district.

With **unlimited training and prompt support**, every Thrillshare user will always have someone to assist with any questions that arise.





# I. Estimated Transition Timeline

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## **Kick-off**

Week 1

We get our partnership started with a meeting to introduce stakeholders on your side and ours. In this meeting, we will cover our detailed roadmap, initial designs, and the overall structure of the planned implementation.

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## **Design**

Weeks 2-3

We create a mockup as a first draft and iterate from there. Since we've already established a good understanding of what you're looking for in the kick-off call, this process is typically quite fast.

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## **Development & Content Migration**

Weeks 4-6

Once we're done with the development, we migrate your static content for you. After our team has gone through your entire website and app and confirmed that everything is working, we will ask you to approve the content and functionality as well.

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## **Training Sessions**

Weeks 7-8

An ideal training schedule will include a setup call with your project lead, in-depth sessions for all of your power users, and introduction sessions for casual users.

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## **Launch Campaign**

Weeks 9-10

Flipping the switch is all it takes: we just point your domain to our servers and the change to the new website will be instant.

Of course we don't want the switch to go unnoticed by your community. That's why we design an entire launch campaign around the app and website with you. You'll get a custom marketing playbook, including graphics, videos, and a launch plan.

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## **Support**

Ongoing

Now that you are live, we work together to drive adoption of your new website and mobile app. You will be working closely with your Client Success Manager on marketing strategies and our Support Team on any questions your users have after the switch.



## II. Schedule of Pricing

Description	Price	Qty	Subtotal
<b>Mobile App Development (one-time)</b> One-time app development for iOS and Android apps for the District  *Billed one-time	\$9,500	1	\$9,500
<b>App Development Discount (one-time)</b> Discounting app development for agreement signed by (05/31/2022)	-\$2,500	1	-\$2,500
<b>Thrillshare (annual)</b> Thrillshare Publishing Platform (desktop and mobile) for~ 2000 students*Billed and payable in full annually  *For Clients that elect automatic renewal, pricing subject to 3% annual increases after last year of initial purchased term(see Terms for more info)	\$12,200	1	\$12,200
<b>Website design and hosting</b> Up to 1 re-design per contract year Included in Thrillshare cost	\$0	1	\$0
<b>Alerts</b> Unlimited text, voice, and email alerts Included in Thrillshare cost  *Subject to Carrier restrictions (see Terms for more info), including, but not limited to, character limits per SMS message [currently 320 characters per SMS message]	\$0	1	\$0
<b>Support, service, and training</b> Included in Thrillshare cost	\$0	1	\$0
<b>Static content migration</b> Included in Thrillshare cost	\$0	1	\$0

**TOTAL**

**\$19,200**



### III. Payment Schedule

Bill Date	Amount
60 Days from signature	\$19,200 (one-time development + annual)
July, 2023	\$12,200 (annual, if renewed)
	*Subject to 3% increase for renewal



\*Agreed to and accepted by: 2022-05-12 10:50:53 (AD1)

BY THE SIGNATURE ABOVE, the institution ("Client") agrees that this Software and Services Agreement of Apptegy, Inc. (consisting of the foregoing Estimated Transition Timeline and Schedule of Pricing, the "Agreement") includes and is subject to the Additional Terms and Conditions of Service (the "Terms") attached to and incorporated in this Agreement.

Client acknowledges receipt of this Agreement and the Terms, and hereby accepts and agrees to be bound by this Agreement and the Terms. By signing above, the person warrants that she or he has the authority to act on behalf of and bind Client to this Agreement and the Terms.



## IV. Terms & Conditions

### ADDITIONAL TERMS AND CONDITIONS OF SERVICE

The following Additional Terms and Conditions of Service (the "**Terms**") are a binding part of the Software and Services Agreement of Apptegy, Inc. (together with its affiliates, agents, and assigns, "Apptegy"). References to the "**Agreement**" below collectively include the Software and Services Agreement and these Terms. Capitalized terms used but not otherwise defined in these Terms will have the meanings given to them in the Software and Services Agreement.

**1. Integration with Other Agreements.** If you have a separate written contract for the purchase of Services from Apptegy (collectively, in all forms, a "**Purchase Agreement**"), the terms and conditions of your Purchase Agreement and our mutual obligations under the Purchase Agreement will be separate from this Agreement; *however* you will also be subject to this Agreement as follows: (i) the terms of your Purchase Agreement will control and govern with respect to all matters expressly addressed in your Purchase Agreement; and (ii) the terms of this Agreement will control and govern with respect to all matters not expressly addressed in your Purchase Agreement. If you do not have a separate Purchase Agreement, this Agreement will control and govern in all circumstances.

**2. Services; License.** Apptegy will provide the products and services at the prices and for the Term (collectively, "**Services**") set out in the Schedule of Pricing of this Agreement. During the Term, Client hereby grants Apptegy a limited, nonexclusive, revocable, worldwide, fully-paid, royalty-free license to use, copy, and modify Client's information, photographs, videos, intellectual property (including without limitation all copyrights, trademarks, service marks, and similar rights), and other content (collectively, "**Client Content**") for providing and improving the Services. Client's right to use the Services, and Apptegy's right and license to Client Content, will automatically terminate upon termination or expiration of this Agreement.

**3. Fees.** Client will pay to Apptegy all fees set out in the Schedule of Pricing of this Agreement. Client acknowledges that (i) certain fees are payable in annual portions for each year of the Term as set out in the Schedule of Pricing, (ii) certain fees are subject to Three Percent (3%) annual increases, starting the first renewal year after the last year of the term initially purchased by Client and continuing each year thereafter, as set out in the Schedule of Pricing, (iii) all service and implementation fees are due in full upon execution of this Agreement, and (iv) discounts for purchases of bundled Services will automatically expire if Client cancels any of the bundled Services and Client will thereafter be invoiced for the full price of the continuing Services. Apptegy will invoice Client for the first year of Services *and for all other fees due, including subsequent-year fees, in accordance with the Payment Schedule of this Agreement.* Client agrees to pay all invoices in full within 30 days of the date of the invoice. Client acknowledges that fees for Services do not include sales and use taxes, as applicable, and Client is solely responsible for any such taxes.

**4. Term.** The term of this Agreement (the “**Term**”) will start on the date Apptegy receives an executed Agreement from Client. The first 60 days will consist of the implementation period, and the start date for Client’s Services (the “**Client Start Date**”) will be 61 days from contract execution, unless otherwise indicated in the Payment Schedule. The Agreement will terminate on the anniversary of the Client Start Date that is after the number of term years initially purchased by Client, as set out in the Schedule of Pricing, plus any renewal periods. This Agreement and its terms will automatically renew for successive, additional periods of one (1) year. Subject only to applicable procurement and appropriations law, Client agrees that (a) it may not terminate this Agreement before the expiration of any then-current Term without cause, unless Client pays Apptegy all fees in full for all term years of the then-current Term, as set out in the Schedule of Pricing, plus payment of any previously discounted amounts for the Services during the Term. All fees paid to Apptegy are non-refundable, subject only to applicable procurement and appropriations law.

**5. Performance Terms.** In addition to this Agreement, the rights and obligations of the Client and Apptegy with respect to the performance of this Agreement, including providing and using the Services, will be subject to and governed by the Apptegy Terms of Use ("**Terms of Use**") and Privacy Policy ("**Privacy Policy**"), available at the following links: <https://www.apptegy.com/terms-and-conditions/> and <https://www.apptegy.com/privacy-policy/>. The Terms of Use and Privacy Policy, as each may be amended, are incorporated into this Agreement in their entirety, as applicable. Without limiting the generality of the foregoing, the Terms of Use and Privacy Policy set out and govern the terms and conditions for Services availability, user eligibility and acceptable use, data privacy and security, regulatory notices and information, warranties, disclaimers, and liability limitations, and other related terms. By executing this Agreement, Client agrees that it has reviewed the Terms of Use and Privacy Policy and agrees to be bound by all terms and conditions therein.

**6. Carrier Restrictions.** Apptegy provides unlimited text, voice, and email messaging to Client subject to restrictions placed on Apptegy by mobile and wireless carriers and network operators (collectively, "**Carriers**"). For example, Carriers have (i) placed limits on the number of characters that may be included in messages sent via the Services and (ii) placed restrictions on the type of messaging content that may be sent through the Services. Carrier restrictions are not within the control of Apptegy and are subject to change without notice. When a Carrier places new or modified restrictions on Apptegy, certain features and functions of the Services may change as a result without notice to you. Client agrees that Apptegy will not be responsible or liable for any change in Services that arise from or in connection with Carrier restrictions.

**7. TCPA/CTIA Compliance.** Client is exclusively responsible for complying with the Telephone Consumer Protection Act of 1991, as it may be amended ("**TCPA**"), and the requirements and policies of CTIA – The Wireless Association ("**CTIA**"), in connection with all communications sent via the Services by Client and users under Client's account. Client is encouraged to establish and implement methods and procedures to ensure compliance with the TCPA and the CTIA, and to inform and train each of its employees, contractors, and representatives who will be creating and sending communications on the methods and procedures.

Apptegy provides Client with materials and information relating to complying with the TCPA and the CTIA; Client acknowledges that all such materials and information is provided for general education purposes only. No such act by or information from Apptegy (whether individually or taken as a whole) will create or be deemed to create responsibility or liability on the part of Apptegy with respect to Client's compliance with the TCPA and/or the CTIA.

**8. COPPA Notice and Compliance.** If Client allows children under the age of thirteen (13) to use the Services, Client is exclusively responsible for complying with the Children's Online Privacy Protection Act, as it may be amended ("**COPPA**"), in connection with use of the Services by Client and users under Client's account. Client consents as required under COPPA to the permissible collection and use of personal information in the Services from users under Client's account. Client is encouraged to establish and implement methods and procedures to ensure compliance with COPPA, and to inform and train each of its employees, contractors, and representatives who will be creating and sending communications on the methods and procedures. Apptegy provides Client with materials and information relating to complying with COPPA; Client acknowledges that all such materials and information is provided for general education purposes only. No such act by or information from Apptegy (whether individually or taken as a whole) will create or be deemed to create responsibility or liability on the part of Apptegy with respect to Client's compliance with COPPA.

Apptegy's privacy policies for Thrillshare Rooms and Thrillshare Media, accessible as set out above, confirm that Apptegy may collect information about child users as provided by Client or as provided by the child, parent, or guardian via messaging, chat rooms, and other features of the Services (for example: the child's name, parent or guardian's name, and grading information). Except as required by separate privacy laws, some or all of this information may not be private. For example, information shared via the chat feature of the product will be visible to Client, as the party paying for and/or otherwise providing access to the Services to child users or others. Client warrants that Client has obtained and will maintain the required parent or guardian consent for Apptegy's collection, use, and disclosure of information for any children under the age of thirteen (13) with access to the Services. Apptegy will disclose such information in accordance with COPPA and its privacy policies.

**9. Third Party Functions.** Apptegy relies on third-party providers and partners for parts of the Services (for example: posting a message or communication on Facebook or Twitter account). APPTEGY IS NOT RESPONSIBLE FOR ANY CONSEQUENCE, LOSS, OR DAMAGE (DIRECT OR INDIRECT) ARISING FROM OR RELATING TO THE PARTS OF THE SERVICES MANAGED OR MADE AVAILABLE BY OR VIA THIRD-PARTY PROVIDERS AND PARTNERS. Please see the Rooms Policies or Media Policies, whichever is applicable with respect to Client's purchased Services, for more information.

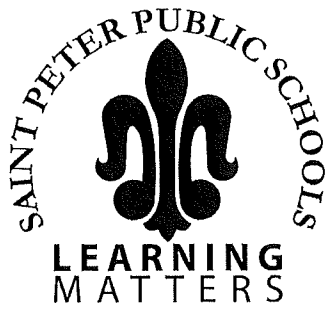
**10. Disclaimers; Limited Liability.** Apptegy provides the Services subject to certain disclaimers and limitations of liability. Please see the Rooms Policies or Media Policies, whichever is applicable with respect to Client's purchased Services, for more information.

**11. Miscellaneous.** The Software and Services Agreement, together with (i) these Terms, and (ii) either the Rooms Policies or the Media Policies, whichever is applicable with respect to Client's purchased Services, and (iii) if applicable, Client's Purchase Agreement, is the entire agreement between the parties with respect to the subject matter, and supersedes all prior agreements and understandings, whether written or oral. If any conflict or ambiguity exists with respect to any term or condition of any of the foregoing, the following priority will govern and control: (1) Client's Purchase Agreement for all matters expressly addressed in the Purchase Agreement; then (2) the Software and Services Agreement for all matters expressly addressed in the Software and Services Agreement; then (3) these Terms; then (4) either the Rooms Policies or the Media Policies, whichever is applicable with respect to Client's purchased Services.

This Agreement is governed by the laws of the state in which Client is located, without regard to conflict of law principles. The parties irrevocably submit to the exclusive jurisdiction and venue of the federal courts having jurisdiction where Client is located for any dispute that relates to the Services or this Agreement.

This Agreement may not be amended or modified without the prior written consent of both parties. If any provision(s) of this Agreement are held invalid or unenforceable, such invalidity or unenforceability will not invalidate or render the Agreement unenforceable, but rather the Agreement will be construed as if not containing the unenforceable provision(s), and the rights and obligations of the parties will be construed and enforced to honor the parties' original intent to the maximum extent permitted under applicable law. This Agreement will inure to the benefit of the successors and assigns of the parties. The Agreement may be executed in multiple counterparts and executed by original, facsimile, or electronic signature (including PDF, DocuSign, and similar methods), each of which when delivered will be deemed an original, and all of which together will constitute one agreement.





**TO:** Members of the School Board  
Mr. Gronseth

**FROM:** Annette Engeldinger

**DATE:** April 2, 2022

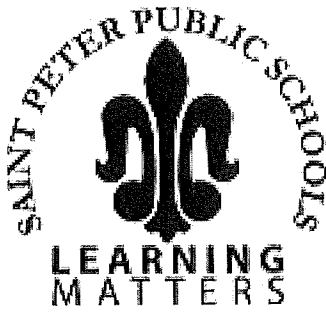
**RE:** Teacher retirement

---

I am writing to recommend that you accept the resignation of Kyle Hilding as a social studies teacher at Saint Peter High School. He will resign at the end of the 2021-2022 school year with his last day being May 27, 2022.

We sincerely thank Mr. Hilding for his time and dedication to the students of Saint Peter High School. We wish him the best of luck in his future pursuits!

Please let me know if you have any questions.



**MEMO TO:** Members of the School Board  
Bill Gronseth

**FROM:** Annette Engeldinger

**DATE:** April 21, 2022

**SUBJECT:** Teacher Transfer

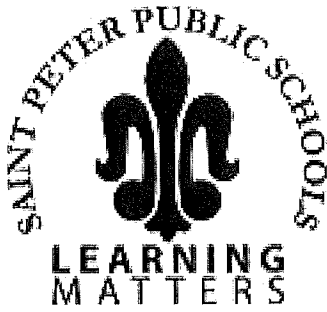
---

I am pleased to recommend the transfer of positions for Kurt Moelter. Currently, Mr. Moelter serves as a math teacher at Saint Peter Middle School. At the start of the 2022-2023 school year, he will transfer to Saint Peter High School. This is a replacement position, due to a retirement.

We are excited to welcome Mr. Moelter to his new position at the high school!

Please feel free to contact me if you have any questions regarding this recommendation.

CC: Kurt Moelter  
grp\_hire\_certified



**MEMO TO:** Bill Gronseth, Superintendent  
School Board

**FROM:** Marc Bachman

**DATE:** April 21, 2022

**SUBJECT:** Recommendation for hire

---

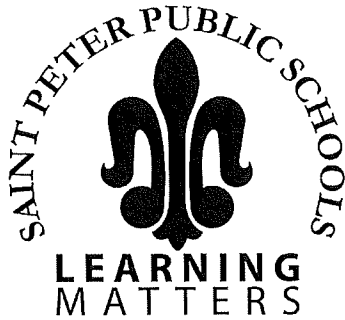
The Operations and Maintenance Department has a full-time custodial engineer position open at Saint Peter Middle School. The position was posted internally and via the district website.

I recommend the hiring of Veronica Otero to serve as a Custodial Engineer at Saint Peter Middle School. Veronica has previous experience cleaning in the food industry and working as a part of a high paced team. We welcome Veronica to our team.

#### **EMPLOYMENT HIRING SUMMARY**

- **Veronica Otero**
  - Custodian: \$16.58/hour (Custodian)
  - Shift differential: \$1.05/hour for 1,566 hours
  - Start Date: May 6, 2022
  - 9 month probationary period ending February 6, 2023
    - Attainment of a special boiler license is required during this probationary time.

Cc: Veronica Otero  
Drew Brodeen  
Mike Keller  
Ytive Prafke  
Jon Graff  
Jerry Doyle



**April 21, 2022**

**To: Bill Gronseth**

**From: Marc Bachman  
Operations and Maintenance Supervisor**

**RE: Resignation**

**Gary Otero has submitted his letter of resignation as custodial engineer. Gary's resignation is effective immediately, April 21, 2022. We wish him well in his next endeavor.**

**The needs of the custodial staff will be reviewed before a replacement position is posted. The search for a replacement will begin internally after the review. We will advertise in the local media if necessary to fill this position.**

**Cc: Gary Otero  
Bob Ploog  
Annette Engeldinger  
Mike Keller  
Drew Brodeen**

4-21-22

Hi I'm GARY OTERO AND I AM RESIGNING  
TO THIS DAY 4-21-22 FROM ST PETER  
SCHOOLS Gary Otero



**TO: Bill Gronseth, Superintendent,  
School Board Members**

**FROM: Tami Skinner, Community & Family  
Education Director**

**SUBJECT: Saints Overtime Staff**

**DATE: April 27, 2022**

---

Interviews were conducted, and I am pleased to recommend the hiring of Heidi Christensen as a Saints Overtime Assistant. Her previous volunteer and work experiences make her an ideal candidate for this position.

This is a replacement position.

**EMPLOYEE SUMMARY**

- **Heidi Christensen**
- Rate of pay - \$15/hr.
- Part-time hours to be submitted on a timesheet
- 2021-22 School Year



**TO: Bill Gronseth, Superintendent,  
School Board Members**

**FROM: Tami Skinner, Community & Family  
Education Director**

**SUBJECT: Saints Overtime Staff**

**DATE: April 27, 2022**

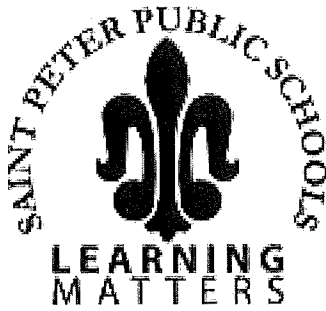
---

Interviews were conducted, and I am pleased to recommend the hiring of Dina Tolen as a Saints Overtime Assistant. Dina has served as a Gustavus Workstudy Student for the last four years.

This is a replacement position.

**EMPLOYEE SUMMARY**

- **Dina Tolen**
- Rate of pay - \$15/hr.
- Part-time hours to be submitted on a timesheet
- 2021-22 School Year



**MEMO TO:** Bill Gronseth, Superintendent  
School Board

**FROM:** Marc Bachman

**DATE:** April 22, 2022

**SUBJECT:** Recommendation for hire

---

The Operations and Maintenance Department has a full-time custodial engineer position open at Saint Peter Middle School. The position was posted internally and via the district website.

I recommend the hiring of Nathan Hughes to serve as a Custodial Engineer at Saint Peter Middle School. Nathan has served as a head chef for many years in the foodservice industry. Detailed cleaning has been a daily responsibility of his for many years. In addition Nate brings a wealth of mechanical experience from his time managing commercial kitchens.

#### **EMPLOYMENT HIRING SUMMARY**

- **Nathan Hughes**
  - Custodian: \$16.58/hour (Custodian)
  - Shift differential: \$1.05/hour for 1,566 hours
  - Start Date: May 9, 2022
  - 9 month probationary period ending February 9, 2023
    - Attainment of a special boiler license is required during this probationary time.

Cc: Nathan Hughes  
Drew Brodeen  
Mike Keller  
Jon Graff  
Ytive Prafke  
Jerry Doyle



**MEMO TO:** Bill Gronseth  
School Board

**FROM:** Ytive Prafke

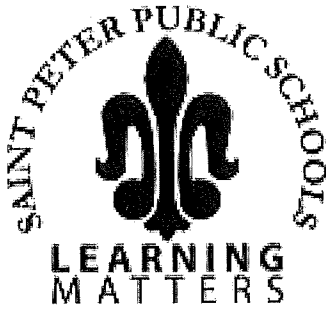
**DATE:** April 29, 2022

**SUBJECT:** School Readiness Resignation

---

I am writing to recommend that you accept the resignation of Morgan Small from her position as a School Readiness Assistant as of January 3, 2022. School Readiness Assistant positions are **not** included in the Paraprofessional Educator Agreement.

Thank you and please let me know if you have any questions.



MEMO TO: Bill Gronseth, Superintendent  
School Board

FROM: Ytve Prafke, EC Administrator

DATE: April 25, 2022

SUBJECT: Recommendation to Hire

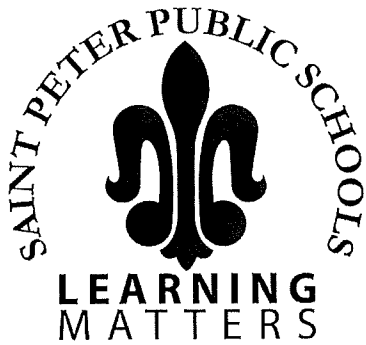
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Please consider the following recommendation:

**NEW EMPLOYEE SUMMARY**

- **Susan Buchta**
  - Step 1 Lane B- \$15.30 per hour
  - 3 hours per day-ECSE student contact days (12 hours per week)
  - Start date: April 18, 2022
  - Replacement Position
  - Susan will fill out a timesheet for her hours

CC: Susan Buchta  
grp\_hire\_para



**MEMO TO: Bill Gronseth-Superintendent  
SPPS School Board**

**FROM: Ytive Prafke**

**DATE: May 16, 2022**

**SUBJECT: Food Service Employee Resignation**

---

I am writing to recommend that you accept the resignation of Sandra Dietrich from her position as Head Cook in the food service department effective May 26, 2022. We certainly appreciate Sandra's dedication and work during her time in this position and wish her well as she moves on to be closer to her grandchildren.

Thank you and please let me know if you have any questions.



Sarah Janovsky <sjanovsky@stpeterschools.org>

---

## Fwd: Sandra Letter of resignation

2 messages

---

**Ytive Prafke** <yprafke@stpeterschools.org>  
To: Sarah Janovsky <sjanovsky@stpeterschools.org>

Wed, May 11, 2022 at 9:54 AM

----- Forwarded message -----

From: **Sandra Dietrich** <sadietrich@stpeterschools.org>  
Date: Thu, Apr 7, 2022 at 11:42 AM  
Subject: Sandra Letter of resignation  
To: Ytive Prafke <yprafke@stpeterschools.org>

To whom it may concern,

Please accept my letter of resignation from the Lead cook at Middle school effective May 26th 2022.  
I appreciate the support this district has given me over the years. I look forward to my retirement with my grandchildren.

Thank you,

Sandra Dietrich

--

Ytive Prafke  
Special Programs Administrator-St. Peter Schools

---

**yprafke@stpeterschools.org** <yprafke@stpeterschools.org>  
To: Sarah Janovsky <sjanovsky@stpeterschools.org>

Mon, May 16, 2022 at 8:56 AM

Sent from my iPhone

Begin forwarded message:

**From:** Ytive Prafke <yprafke@stpeterschools.org>  
**Date:** May 11, 2022 at 9:54:52 AM CDT  
**To:** Sarah Janovsky <sjanovsky@stpeterschools.org>  
**Subject:** Fwd: Sandra Letter of resignation

[Quoted text hidden]



**MEMO TO:** Bill Gronseth  
School Board

**FROM:** Annette Engeldinger

**DATE:** May 16, 2022

**SUBJECT:** High School Counselor Resignation

---

I am writing to recommend that you accept the resignation of Maggie Carlson from her position as a high school counselor, effective at the end of the 2021-2022 school year.

Maggie has served in the district for the past two years. We will miss her and wish her the best of luck in her future endeavors.

CC:  
grp\_hire\_Certified



**TO:** Bill Gronseth, Superintendent,  
School Board Members

**FROM:** Tami Skinner, Community & Family  
Education Director

**SUBJECT:** Saints Overtime Staff

**DATE:** May 4, 2022

---

Interviews were conducted, and I am pleased to recommend the hiring of Oscar Ramirez as a Saints Overtime Assistant. His previous volunteer and work experiences make him an ideal candidate for this position.

This is a replacement position.

**EMPLOYEE SUMMARY**

- **Oscar Ramirez**
- Rate of pay - \$15/hr.
- Part-time hours to be submitted on a timesheet
- 2021-22 School Year and summer



**TO:** Bill Gronseth, Superintendent,  
School Board Members

**FROM:** Tami Skinner, Community & Family  
Education Director

**SUBJECT:** Saints Overtime Staff

**DATE:** May 9, 2022

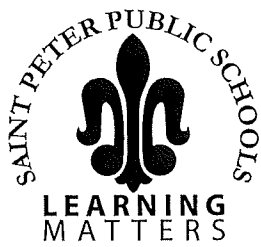
---

Interviews were conducted, and I am pleased to recommend the hiring of Laura Mendoza as a Summer Saints Overtime Assistant. During the school year, Laura is employed by A'viands.

This is a replacement position.

**EMPLOYEE SUMMARY**

- **Laura Mendoza**
- Rate of pay - \$15/hr.
- Part-time hours to be submitted on a timesheet
- Summer of 2022



**TO:** School Board  
**FROM:** Bill Gronseth  
**SUBJECT:** Coordinator of the Office of Education Equity  
**DATE:** 05.09.22

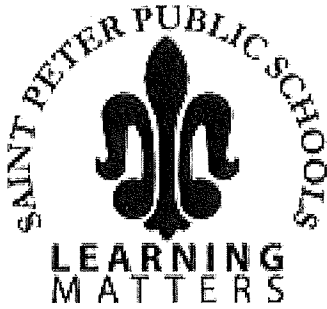
---

Interviews were conducted and I am pleased to report that Ayan Musse has accepted the position of Coordinator of the Office of Education Equity. Her education, experience and references make her an ideal candidate.

### **EMPLOYEE SUMMARY**

- **Ayan Musse**
- Rate of pay - \$64,000 annually
- Full-time
- Start date: July 1, 2022

**CC:** Ayan Musse  
Grp\_district\_office  
Gus Sorbo  
Ytive Prafke



**MEMO TO:** Bill Gronseth, Superintendent  
School Board

**FROM:** Marc Bachman

**DATE:** May 9, 2022

**SUBJECT:** Position/Pay shift

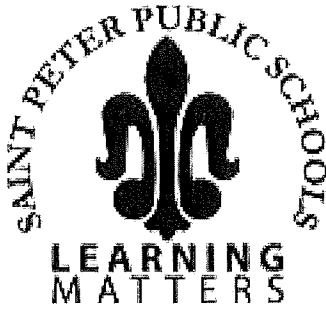
---

Joe Delacruz will transfer to serve as day Custodial Engineer at Saint Peter Middle School effective May 31, 2022.

**EMPLOYMENT HIRING SUMMARY**

- **Joe Delacruz**
  - Custodian - Days: \$16.91/hour (Custodian)
  - Start Date: May 31, 2022

Cc: Joe Delacruz  
Drew Brodeen  
Mike Keller  
Jon Graff  
Ytive Prafke  
Jerry Doyle



**MEMO TO:** Bill Gronseth, Superintendent  
School Board

**FROM:** Marc Bachman

**DATE:** May 9, 2022

**SUBJECT:** Position/Pay shift

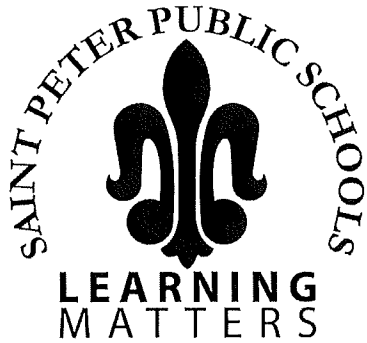
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Jose Velasquez will transfer to serve as day Custodial Engineer at Saint Peter High School effective May 31, 2022.

**EMPLOYMENT HIRING SUMMARY**

- **Jose Velasquez**
  - Custodian Engineer - Days: \$17.68/hour (Custodian Engineer)
  - Start Date: May 31, 2022

Cc: Jose Velasquez  
Drew Brodeen  
Mike Keller  
Annette Engledinger  
Bob Ploog



**MEMO TO:** Bill Gronseth  
School Board

**FROM:** Jon Graff

**DATE:** May 13, 2022

**SUBJECT:** Middle School Teacher Resignation

---

I am writing to recommend that you accept the resignation of Liz Burnett from her position as a Middle School Art teacher, effective at the end of the 2021-2022 school year.

Liz has served in the district since 2016. We will miss her and wish her the best of luck in her future endeavors.

CC:  
grp\_hire\_Certified  
Liz Burnett

Liz Burnett  
Art Teacher  
St. Peter Middle School  
58458 185th St.  
Mankato, MN 56001  
507-402-6879

Dear Mr. Graff,

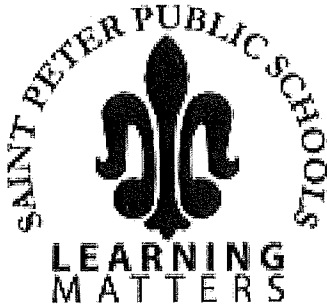
Please accept this letter as a notice of my resignation from my current position as an Art Teacher at St. Peter Middle School following the end of our contract year for the 2021-2022 school year. My last day will be May 27th, 2022.

Thank you for giving me the opportunity to teach at St. Peter Middle School. Over the past seven years I have been blessed to have taught so many spectacular students, as well as work with some of the best colleagues I have ever had the pleasure to work with, some of whom I consider to be lifelong friends. St. Peter Schools has a very special way of making everyone feel like family, which I believe makes this school district one-of-a-kind. I will greatly miss my students as well as my colleagues.

I wish you all the best. If you have any questions or concerns, or if you need anything else from me for the remainder of the school year please do not hesitate to reach out to me.

Sincerely,

Liz Burnett



**MEMO TO:** Members of the School Board  
Mr. Bill Gronseth

**FROM:** Annette Engeldinger

**DATE:** May 16, 2022

**SUBJECT:** High School SPED Teacher Hire

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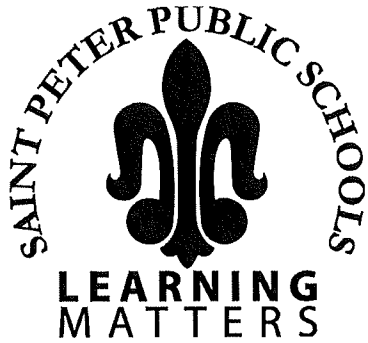
Applications were received and interviews took place for the high school special education teaching position. This is a new position due to special education numbers and additional student needs.

I am pleased to recommend Heather Bakke for the position. Heather is currently teaching in Brainerd Public Schools and, as a proud Gustie, is excited to come back to Saint Peter!

**NEW EMPLOYEE SUMMARY**

- **Heather Bakke**
  - 1.0
  - Step 11/Lane BA+30
    - \$70,333
  - Start Date: 2022-2023 school year

CC: Heather Bakke  
grp\_hire\_certified



**MEMO TO:** Bill Gronseth, Superintendent  
Saint Peter Schools Business Office  
Ytve Prafke, HR for SPPS

**FROM:** Doreen Oelke, Principal

**DATE:** April 22, 2022

**SUBJECT:** Schultz FMLA Request

---

I recommend that you accept the FMLA request of Heidi Schultz, first grade teacher at South Elementary. Her leave will begin on May 11, 2022 and end on May 26, 2022.

Her written request, along with the FMLA paperwork, has been submitted to the district office. Please feel free to contact me with any questions.

Cc: Heidi Schultz  
Paraprofessional Hire Group



**TO:** Mr. Gronseth  
Members of the Board of Education

**FROM:** Jana Sykora

**DATE:** April 27, 2022

**SUBJECT:** Dustin Hutchins, Luiz Carrasco

I am requesting that the board of education award a Saint Peter High School diploma to Dustin Hutchins and Luiz Carrasco.

Upon review of their course credits and transcripts, it has been determined that they meet the established requirements.

If you have any questions, please let me know.

cc: Sandy Clementson



## ADDENDUM

### REGULAR BOARD MEETING Monday, May 16, 2022 SPCC-Governor's Room 6:30PM

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#### VII. ACTION ITEMS

##### **1. AGENDA ITEM #1**

**Subject:** Consider Policies for a Single Reading due to Immaterial Changes

**Action:** Requires a Motion

**Background:** When Policies have immaterial changes, they can be adopted after a single reading. The following policies are receiving a new number to align with the news system. They may also include immaterial changes in wording.

Policy 301 School District Administration

Policy 302 Superintendent

Policy 303 Superintendent Selection

Policy 403 Discipline, Suspension, and Dismissal of School District Employees

Policy 407 Employee Right to Know- Exposure to Hazardous Substances

Policy 420 Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions

Policy 421 Gifts to Employees and School Board Members

Policy 424 License Status

**Presentation:** Superintendent Gronseth  
Policy Committee

**Options/Recommendation:** I recommend approving these policies.

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

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

Policy 301  
Orig. 1995  
Rev. 2011

## **301 SCHOOL DISTRICT ADMINISTRATION**

### **I. PURPOSE**

The purpose of this policy is to clarify the role of the school district administration and its relationship with the school board.

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

- A. Effective administration and sound management practices are essential to realizing educational excellence. It is the responsibility of the school district administration to develop a school environment that recognizes the dignity of each student and employee, and the right of each student to access educational programs and services.
- B. The school board expects all activities related to the operation of the school district to be administered in a well-planned manner, conducted in an orderly fashion, and to be consistent with the policies of the school board.
- C. The school board shall seek specific recommendations, background information and professional advice from the school district administration, and will hold the administration accountable for sound management of the schools.
- D. Although the school board holds the superintendent ultimately responsible for administration of the school district and annual evaluation of each principal, the school board also recognizes the direct responsibility of principals for educational results and effective administration, supervisory, and instructional leadership at the school building level.
- E. The school board and school administration shall work together to share information and decisions that best serve the needs of school district students within financial and facility constraints that may exist.

**Legal References:** Minn. Stat. § 123B.143 (Superintendent)  
Minn. Stat. § 123B.147 (Principals)

**Cross References:** MSBA Service Manual, Chapter 3, Superintendent of Schools

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

Policy 302

Orig. 1995

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

Rev. 2011

## **302 SUPERINTENDENT**

### **I. PURPOSE**

The purpose of this policy is to recognize the importance of the role of the superintendent and the overall responsibility of that position within the school district.

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

The school board shall employ a superintendent who shall serve as an ex officio, nonvoting member of the school board and as chief executive officer of the school system.

### **III. GENERAL RESPONSIBILITIES**

- A. The superintendent is responsible for the management of the schools, the administration of all school district policies, and is directly accountable to the school board.
- B. The superintendent shall annually evaluate each principal assigned responsibility for supervising a school building in the district.
- C. The superintendent may delegate responsibilities to other school district personnel, but shall continue to be accountable for actions taken under such delegation.
- D. Where responsibilities are not specifically prescribed, nor school board policy applicable, the superintendent shall use personal and professional judgment, subject to review by the school board.

**Legal References:** Minn. Stat. § 123B.143 (Superintendent)

**Cross References:** ~~MSBA/MASA Model~~ Policy 202 (School Board Officers)  
~~MSBA/MASA Model~~ Policy 208 (Development, Adoption, and Implementation of Policies)  
~~MSBA/MASA Model~~ Policy 214 (Out-of-State Travel by School Board Members)  
~~MSBA/MASA Model~~ Policy 301 (School District Administration)  
~~MSBA/MASA Model~~ Policy 303 (Superintendent Selection)  
~~MSBA/MASA Model~~ Policy 304 (Superintendent Contract, Duties, and Evaluation)  
~~MSBA/MASA Model~~ Policy 305 (Policy Implementation)  
~~MSBA/MASA Model~~ Policy 306 (Administrator Code of Ethics)  
~~MSBA/MASA Model~~ Policy 412 (Expense Reimbursement)  
~~MSBA/MASA Model~~ Policy 510 (School Activities)  
~~MSBA/MASA Model~~ Policy 511 (Student Fundraising)  
~~MSBA/MASA Model~~ Policy 513 (Student Promotion, Retention, and Program Design)  
~~MSBA/MASA Model~~ Policy 602 (Organization of School Calendar and School Day)  
~~MSBA/MASA Model~~ Policy 605 (Alternative Programs)  
~~MSBA/MASA Model~~ Policy 701 (Establishment and Adoption of School District Budget)

~~MSBA/MASA Model~~ Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)  
~~MSBA/MASA Model~~ Policy 802 (Disposition of Obsolete Equipment and Material)  
~~MSBA/MASA Model~~ Policy 903 (Visitors to School District Buildings and Sites)  
~~MSBA/MASA Model~~ Policy 905 (Advertising)  
~~MSBA/MASA Model~~ Policy 906 (Community Notification of Predatory Offenders)  
~~MSBA/MASA Model~~ Policy 907 (Rewards)  
MSBA Service Manual, Chapter 3, Superintendent of Schools

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

MSBA/MASA Model Policy 303

Orig. 1995

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

Rev. 2016

### **303 SUPERINTENDENT SELECTION**

#### **I. PURPOSE**

The purpose of this policy is to convey to the school community that the authority to select and employ a superintendent is vested in the school board.

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

The school board shall employ a superintendent to serve as the chief executive officer of the school district and to conduct the daily operations of the school district.

#### **III. QUALIFICATIONS**

- A. The school board shall consider applicants who meet or exceed the licensing standards set by the Minnesota Board of School Administrators and qualifications established in the job description for the superintendent position. State and federal equal employment and nondiscrimination requirements shall be observed throughout the recruitment and selection process.
- B. The school board will consider professional preparation, experience, skill, and demonstrated competence of qualified applicants in making a final decision.

#### **IV. SELECTION**

- A. A process for recruitment, screening, and interviewing of candidates shall be developed by the school board.
- B. The school board may contract for assistance in the search for a superintendent.
- C. The school board shall provide the contract for the superintendent and specifically identify all conditions of employment mutually agreed upon with the superintendent. In so doing, the school board shall observe all requirements of state and federal law and school board policy.

**Legal References:** Minn. Stat. § 123B.143 (Superintendent)  
Minn. Rules, Chapter 3512

**Cross References:** MSBA Service Manual, Chapter 3, Superintendent

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

MSBA/MASA Model Policy 403

Orig. 1995

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

Rev. 1999

## **403 DISCIPLINE, SUSPENSION, AND DISMISSAL OF SCHOOL DISTRICT EMPLOYEES**

### **I. PURPOSE**

The purpose of this policy is to achieve the effective operation of the school district's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

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

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the school district.

### **III. DISCIPLINE**

#### **A. Violation of School Laws and Rules**

The form of discipline imposed for violations of school laws and rules may vary from an oral reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include:

1. policies of the school district;
2. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
3. federal, state and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

#### **B. Substandard Performance**

An employee's substandard performance may result in the imposition of discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by guidance, help and encouragement to improve from the employee's supervisor and reasonable time for correction of the employee's deficiency.

#### **C. Misconduct**

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

1. unprofessional conduct;
2. failure to observe rules, regulations, policies and standards of the school district and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
4. personal and/or immoral misconduct;
5. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
7. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
8. failure to follow the canons of professional and personal ethics;
9. falsification of credentials and experience;
10. unauthorized destruction of school district property;
11. other good and sufficient grounds relating to any other act constituting inappropriate conduct;
12. neglect of duty;
13. violation of the rights of others as provided by federal and state laws related to human rights.

#### **IV. FORMS OF DISCIPLINE**

- A. The forms of discipline that may be imposed by the school district include, but are not limited to:
  1. oral warning;
  2. written warning or reprimand;
  3. probation;
  4. disciplinary suspension, demotion or leave of absence with pay;
  5. disciplinary suspension, demotion or leave of absence without pay; and
  6. dismissal/termination or discharge from employment.
- B. Other forms of discipline, including any combination of the forms described in Paragraph A., above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school district's objective of stopping or correcting the offending conduct and improving the employee's performance.

**V. PROCEDURES FOR ADMINISTERING POLICY**

- A. In an instance where any form of discipline is imposed, the employee’s supervisor will:
  - 1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time and nature of the oral warning.
  - 2. Provide directives to the employee to correct the conduct or performance.
  - 3. Forward copies of all writings to the administrator in charge of personnel for filing in the employee’s personnel file.
  - 4. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
  - 5. Specify the expected level of performance or modification of conduct to be required from the employee.
  
- B. The school district retains the right to immediately discipline, terminate or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements where applicable.

**Legal References:** Minn. Stat. § 122A.40 (Teachers – Employment; Contracts; Termination)  
Minn. Stat. § 122A.41 (Teacher Tenure)  
Minn. Stat. § 122A.44 (Contracting with Teachers)  
Minn. Stat. § 122A.58 (Coaches)  
Minn. Stat. § 123B.02, Subd. 14 (Employees; Contracts for Services)  
Minn. Stat. § 123B.143 (Superintendent)  
Minn. Stat. § 123B.147 (Principals)  
Minn. Stat. § 197.46 *et seq.* (Veterans Preference Act)

**Cross References:** MSBA Service Manual, Chapter 3, Employees

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 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**

The purpose of the policy is to provide direction to the school district regarding communicable diseases.

**II. GENERAL STATEMENT OF POLICY**

A. Students

1. It is the policy of the School District that students with serious communicable diseases not be excluded from attending school in their regular classrooms so long as such attendance does not create a substantial risk of the transmission of illness to students or employees of the School District.

2. Substantial risk will be determined by the School District in consultation with parent(s)/guardian(s) of the student, community health and private health care providers. Procedures for the inclusion or exclusion of students with serious communicable diseases will consider the educational and health implications for the student and others with whom the student comes in contact, as well as recommendations from agencies such as the county public health agency, the Minnesota Department of Health and the United States Public Health Services Center for Disease Control. Decisions will be made on a case-by-case basis.

Where infected children and youth pose more of a risk than others, the following procedure will apply. In these cases:

Contact will be made with the Minnesota Department of Health.

A committee will be convened consisting of four permanent members and will include:

a state epidemiologist or designated representative  
a representative from Nicollet County Public Health  
a physician with expertise in infectious diseases  
a designated school nurse

Other members of the committee will be specifically assigned for each student and will include:

parent(s)/guardian(s) of the student(s)  
student's personal physician

Superintendent  
building level principal  
designated teacher(s) for the student

Good hygiene practices must be used when handling blood or body fluids to prevent the spread of disease caused by blood borne pathogens. Annual bloodborne pathogen training will occur for appropriate staff.

As specified by state law, the individual's right to privacy must be respected, and strict confidentiality must be maintained.

Routine health screening of students is not recommended. Screening should not be a requirement for school entry.

The school district encourages parents/guardians to notify the school district if their child has a serious communicable disease.

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 (8<sup>th</sup> Cir.), *cert. denied*, 493 U.S. 892, 110 S.Ct. 239 (1989)  
*School Board of Nassau County, Fla. v. Arline*, 480 U.S. 273, 107 S.Ct. 1123 (1987)  
16 EHLR 712, OCR Staff Memo, April 5, 1990

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

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

*MSBA/MASA Model Policy 421*

*Orig. 1995*

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

*Rev. 2019*

## **421 GIFTS TO EMPLOYEES AND SCHOOL BOARD MEMBERS**

### **I. PURPOSE**

The purpose of this policy is to avoid the appearance of impropriety or the appearance of a conflict of interest with respect to gifts given to school district employees and school board members.

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

- A. The school district recognizes that students, parents, and others may wish to show appreciation to school district employees. The policy of the school district, however, is to discourage gift-giving to employees and to encourage donors instead to write letters and notes of appreciation or to give small tokens of gratitude as memorabilia.
- B. A violation of this policy occurs when any employee solicits, accepts, or receives, either by direct or indirect means, a gift from a student, parent, or other individual or organization of greater than nominal value.
- C. A violation of this policy occurs when any employee solicits, accepts, or receives a gift from a person or entity doing business with or seeking to do business with the school district. Employees may accept items of insignificant value of a promotional or public relations nature or a plaque with a resale value of \$5 or less with an inscription recognizing an individual for an accomplishment. The superintendent has discretion to determine what value is "insignificant."
- D. Teachers may accept from publishers free samples of textbooks and related teaching materials.
- E. This policy applies only to gifts given to employees where the donor's relationship with the employee arises out of the employee's employment with the school district. It does not apply  
  
to gifts given to employees by personal friends, family members, other employees, or others unconnected to the employee's employment with the school district.
- F. An elected or appointed member of a school board, a school superintendent, a school principal, or a district school officer, including the school business official, may not accept a gift from an interested person.

### **III. DEFINITIONS**

- A. "Gift" means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment that is given without something of equal or greater value being received in return.
- B. "Interested person" means a person or a representative of a person or association that has a direct financial interest in a decision that a school board member, a superintendent, a school principal, or a district school officer is authorized to make.

- C. "Financial interest" means any ownership or control in an asset which has the potential to produce a monetary return.

#### **IV. PROCEDURES**

Any employee considering the acceptance of a gift shall confer with the administration for guidance related to the interpretation and application of this policy.

#### **V. VIOLATIONS**

Employees who violate the provisions of this policy may be subject to discipline, which may include reprimand, suspension, and/or termination or discharge.

**Legal References:** Minn. Stat. § 10A.07 (Conflicts of Interest)  
Minn. Stat. § 10A.071 (Prohibition of Gifts)  
Minn. Stat. § 15.43 (Acceptance of Advantage by State Employee; Penalty)  
Minn. Stat. § 471.895 (Certain Gifts by Interested Persons Prohibited)

**Cross References:** ~~MSBA/MASA Model~~ Policy 209 (Code of Ethics)  
~~MSBA/MASA Model~~ Policy 210 (Conflict of Interest – School Board Members)  
~~MSBA/MASA Model~~ Policy 306 (Administrator Code of Ethics)

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:**



## ADDENDUM

### REGULAR BOARD MEETING Monday, May 16, 2022 SPCC-Governor's Room 6:30PM

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#### VII. ACTION ITEMS

##### **2. AGENDA ITEM #2**

**Subject:** Consider Second Reading of Revisions to the Policy Manual

**Action:** Requires a Motion

**Background:** The Policy Committee reviewed the following policies and have brought them forward for a second reading.

Policy 101 Legal Status of the School District

Delete 001.1 Legal Status of the School District

Policy 101.1 Name of the School District

Policy 103 Complaints- Students, employees, parents, other persons

Delete 008.51 Public Complaints

Policy 104 School District Mission Statement

Delete Current Policy 002.24 Formulating Administrative Regulations

Delete Current Policy 002.33 Organizational Meeting of the School Board

Policy 201 Legal Status of the School Board

Delete 002.1 Legal Status and Authority of the School Board

Re-number current Policy 2.21 Officers of the School Board to Policy 202 with the same language.

Policy 203 Operation of the School Board- Governing Rules

Policy 203.1 School Board Procedures; Rules of Order

Policy 203.2 Order of the Regular School Board Meeting

Policy 203.5 School Board Meeting Agenda

Delete current Policy 002.34 School Board Meeting Agenda

Policy 203.6 Consent Agendas

Policy 204 School Board Meeting Minutes

Delete current Policy 02.32 School Board Meeting Minutes

Policy 205 Open Meetings and Closed Meetings

Delete current Policy 002.31 Regular Meetings- Open and Closed Meetings

Policy 206 Public Participation in School Board Meetings/complaints about persons at School Board Meetings and Data Privacy Considerations

Delete Current Policy 2.4 Communication with School Stakeholders and

Policy 2.7 Public Complaints

Policy 207 Public Hearings

Delete current Policy 002.35 Public Hearings

Policy 208 Development, Adoption, and Implementation of Policies

Delete current Policy 002.23 Adoption of Policies

Policy 209 Code of Ethics

Delete current Policy 002.61

Policy 210 Conflict of Interest- School Board Members

Delete current Policy 002.62 School Board Ethics/Conflict of Interest

Policy 211 Criminal or Civil Action Against School District, School Board Member, Employee, or Student

Policy 212 School Board Member Development

**Presentation:** Superintendent Gronseth  
Policy Committee

**Options/Recommendation:** I recommend approving these policies.

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

*MSBA/MASA Model Policy 101*

*Orig. 1995*

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

*Rev. 2004*

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

### **I. PURPOSE**

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

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

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

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

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

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

#### **A. Funds**

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

#### **B. Raising Funds**

- 1. The school district shall, within the limitations specified by law, provide by levy

of tax necessary funds for the conduct of schools, payment of indebtedness, and all proper expenses.

2. The school district may issue bonds in accordance with the provisions of Minn. Stat. Ch. 475, or other applicable law.
3. The school district has authority to accept gifts and donations for school purposes, subject to applicable law.

C. Property

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

D. Contracts

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

E. Textbooks, Educational Materials, and Studies

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

F. Actions and Suits

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

**Legal References:**

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

**Cross References:**

~~MSBA/MASA Model~~ Policy 201 (Legal Status of School Board)  
~~MSBA/MASA Model~~ Policy 603 (Curriculum Development)  
~~MSBA/MASA Model~~ Policy 604 (Instructional Curriculum)  
~~MSBA/MASA Model~~ Policy 606 (Textbooks and Instructional Materials)  
~~MSBA/MASA Model~~ Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)  
~~MSBA/MASA Model~~ Policy 705 (Investments)  
~~MSBA/MASA Model~~ Policy 706 (Acceptance of Gifts)  
~~MSBA/MASA Model~~ Policy 801 (Equal Access to School Facilities)  
MSBA Service Manual, Chapter 3, Employee Negotiations  
MSBA Service Manual, Chapter 13, School Law Bulletin "F" (Contract and Bidding Procedures)

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

*MSBA/MASA Model Policy 101.1*

*Orig. 1998*

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

*Rev. 1999*

## **101.1 NAME OF THE SCHOOL DISTRICT**

### **I. PURPOSE**

The purpose of this policy is to clarify the name of the school district.

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

Pursuant to statute, the official name of the school district is Independent School District No. 508. However, the school district is often referred to by other informal names. In order to avoid confusion and to encourage consistency in school district letterheads, signage, publications and other materials, the school board intends to establish a uniform name for the school district.

### **III. UNIFORM NAME**

A. The name of the school district shall be **Saint Peter Public Schools**.

*(Examples include: Benson; Triton; Cass Lake-Bena; North Saint Paul-Maplewood-Oakdale; White Bear Lake Area Schools; Prior Lake/Savage Area Schools; West St. Paul-Mendota Heights-Eagan Area Schools; Northfield Public Schools; New Prague Community Schools; Stillwater Area Public Schools; Southwest Star Concept Schools; Jackson County Central School District.)*

B. The name specified above may be used to refer to the school district and may be shown on school district letterheads, signage, publications and other materials.

C. In official communications and on school district ballots, the school district shall be referred to as Independent School District No. 508 (**Saint Peter Public Schools**), but inadvertent failure to use the correct name shall not invalidate any legal proceeding or matter or affect the validity of any document.

**Legal References:** Minn. Stat. § 123A.55 (Classes, Number)

**Cross References:**

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

*MSBA/MASA Model Policy 103*

*Orig. 1995*

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

*Rev. 2005*

## **103 COMPLAINTS – STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS**

### **I. PURPOSE**

The school district takes seriously all concerns or complaints by students, employees, parents or other persons. If a specific complaint procedure is provided within any other policy of the school district, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

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

- A. Students, parents, employees or other persons, may report concerns or complaints to the school district. While written reports are encouraged, a complaint may be made orally. Any employee receiving a complaint shall advise the principal or immediate supervisor of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the superintendent. A person may file a complaint at any level of the school district; i.e., principal, superintendent or school board. However, persons are encouraged to file a complaint at the building level when appropriate.
- B. Depending upon the nature and seriousness of the complaint, the supervisor or other administrator receiving the complaint shall determine the nature and scope of the investigation or follow up procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the superintendent who shall determine whether an internal or external investigation should be conducted. In either case, the superintendent shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator concerning the status or outcome of the matter.
- C. The appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation or followup, including any appropriate action or corrective measure that was taken. The superintendent shall be copied on the correspondence and consulted in advance of the written response when appropriate. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other law.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

**Cross References:** ~~MSBA/MASA Model~~ Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
~~MSBA/MASA Model~~ Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
~~MSBA/MASA Model~~ Policy 413 (Harassment and Violence)  
~~MSBA/MASA Model~~ Policy 514 (Bullying Prohibition)  
MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records – Privacy – Access to Data)

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

*MSBA/MASA Model* Policy 104

Orig. 1997

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

Rev. 2004

## **104 SCHOOL DISTRICT MISSION STATEMENT**

### **I. PURPOSE**

The purpose of this policy is to establish a clear statement of the purpose for which the school district exists.

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

The school board believes that a mission statement should be adopted. The mission statement should be based on the beliefs and values of the community, should direct any change effort and should be the basis on which decisions are made. The school board, on behalf of and with extensive participation by the community, should develop a consensus among its members regarding the nature of the enterprise the school board governs, the purposes it serves, the constituencies it should consider, including student representation, and the results it intends to produce.

### **III. MISSION STATEMENT**

*"To inspire a passion for learning that encourages and enables all individuals to reach their highest potential."*

### **IV. REVIEW**

The school board will review the school district's mission every two years, especially when members of the board change. The school board will conduct a comprehensive review of the mission, including the beliefs and values of the community, every five to seven years.

**Legal References:** Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement)  
Minn. Rule Parts 3501.0010-3501.0180  
Minn. Rule Parts 3501.0200-3501.0270

**Cross References:**

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

*MSBA/MASA Model Policy 201*

*Orig. 1995*

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

*Rev. 2009*

## **201 LEGAL STATUS OF THE SCHOOL BOARD**

### **I. PURPOSE**

The care, management, and control of the schools is vested by statutory and constitutional authority in the school board. The school board shall carry out the mission of the school district with diligence, prudence, and dedication to the ideals of providing the finest public education. The purpose of this policy is to define the authority, duties, and powers of the school board in carrying out its mission.

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

- A. The school board is the governing body of the school district. As such, the school board has responsibility for the care, management, and control over public schools in the school district.
- B. Generally, elected members of the school board have binding authority only when acting as a school board legally in session, except where specific authority is provided to school board members or officers individually. Generally, the school board is not bound by an action or statement on the part of an individual school board member unless the action is specifically directed or authorized by the school board.

### **III. DEFINITION**

"School board" means the governing body of the school district.

### **IV. ORGANIZATION AND MEMBERSHIP**

- A. The membership of the school board consists of ~~six~~ **seven** elected directors, or seven if the school board has submitted the question to the electors and a majority have approved a seven-member school board. The term of office is four years.

***[Note: This number may be different for combining or consolidating school boards that are in a transition period.]***

- B. There may be other ex officio members of the school board as provided by law. The superintendent is an ex officio member.
- C. A majority of voting members constitutes a quorum. The act of the majority of a quorum is the act of the school board.

### **V. POWERS AND DUTIES**

- A. The school board has powers and duties specified by statute. The school board's authority includes implied powers in addition to specific powers granted by the legislature.
- B. The school board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.

- C. The school board shall superintend and manage the schools of the school district; adopt rules for their organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts.
- D. The school board shall have the general charge of the business of the school district, its facilities and property, and of the interest of the schools.
- E. The school board, among other duties, shall perform the following in accordance with applicable law:
  - 1. provide by levy of tax, necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the school district;
  - 2. conduct the business of the schools and pay indebtedness and proper expenses;
  - 3. employ and contract with necessary qualified teachers and discharge the same for cause;
  - 4. provide services to promote the health of its pupils;
  - 5. provide school buildings and erect needed buildings;
  - 6. purchase, sell, and exchange school district property and equipment as deemed necessary by the school board for school purposes;
  - 7. provide for payment of claims against the school district, and prosecute and defend actions by or against the school district, in all proper cases;
  - 8. employ and discharge necessary employees and contract for other services;
  - 9. provide for transportation of pupils to and from school, as governed by statute; and
  - 10. procure insurance against liability of the school district, its officers, and employees.
- F. The school board, at its discretion, may perform the following:
  - 1. provide library facilities, public evening schools, adult and continuing education programs, summer school programs, and intersession classes of flexible school year programs;
  - 2. furnish school lunches for pupils and teachers on such terms as the school board determines;
  - 3. enter into agreements with one or more other independent school districts to provide for agreed upon educational services;
  - 4. lease rooms or buildings for school purposes;
  - 5. authorize the use of school facilities for community purposes that will not interfere with their use for school purposes;

6. authorize cocurricular and extracurricular activities;
7. receive, for the benefit of the school district, bequests, donations, or gifts for any proper purpose; and
8. perform other acts as the school board shall deem to be reasonably necessary or required for the governance of the schools.

**Legal References:** Minn. Stat. § 123A.22 (Cooperative Centers)  
Minn. Stat. § 123B.02 (General Powers)  
Minn. Stat. § 123B.09 (School Board Powers)  
Minn. Stat. § 123B.14 (School District Officers)  
Minn. Stat. § 123B.23 (Liability Insurance)  
Minn. Stat. § 123B.49 (Cocurricular and Extracurricular Activities; Insurance)  
Minn. Stat. § 123B.51 (Schoolhouses and Sites; Access for Noncurricular Purposes)  
Minn. Stat. § 123B.85 (Definition)  
*Jensen v. Indep. Consol. Sch. Dist. No. 85*, 160 Minn. 233, 199 N.W. 911 (1924)

**Cross References:** ~~MSBA/MASA Model~~ Policy 101 (Legal Status of the School District)  
~~MSBA/MASA Model~~ Policy 202 (School Board Officers)  
~~MSBA/MASA Model~~ Policy 203 (Operation of the School Board -Governing Rules)  
~~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 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.~~

The purpose of this policy is to delineate the responsibilities of the officers of the School Board.

### **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.~~

A. The school board shall organized by selecting a chairperson, vice chairperson, a clerk, and a treasurer.

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.~~

The School Board shall meet annually on the first Monday in January, or as soon thereafter as practicable, and organize by selecting a chairperson, vice chairperson, treasurer, and clerk.

~~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.~~

A. These officers shall hold office for one year and until their successors are elected and qualify.

B. The persons who perform the duties of clerk and treasurer need not be members of the school board.

C. 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:
  - a. preside at all meetings of the school board
  - b. co-sign all orders upon the treasurer for claims allowed by the school board,
  - c. represent the school district in all actions, and
  - d. 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, 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:
  - a. make all reports which may be called for by the school board; and
  - b. perform all duties a treasurer usually performs.

##### C. Clerk

1. The clerk shall:
  - a. 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.
  - b. Perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.

c. Perform the duties of the chair in the event of the chair's and the vice-chair's temporary absences.

d. Perform all other duties as required by law or statute.

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 203

Orig. 1995

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

Rev. 2009

## **203 OPERATION OF THE SCHOOL BOARD – GOVERNING RULES**

### **I. PURPOSE**

The purpose of this policy is to provide governing rules for the conduct of meetings of the school board.

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

An orderly school board meeting allows school board members to participate in discussion and decision of school district issues. Rules of order allow school board members the opportunity to review school-related topics, discuss school business items, and bring matters to conclusion in a timely and consistent manner.

### **III. RULES OF ORDER**

Rules of order for school board meetings shall be as follows:

- A. Minnesota statutes where specified;
- B. Specific rules of order as provided by the school board consistent with Minnesota statutes; and
- C. *Robert's Rules of Order, Revised* (latest edition) where not inconsistent with A. and B., above.

***[Note: The editions of Robert's Rules of Order differ, so specifying the edition used is important.]***

**Legal References:** Minn. Stat. Ch. 13D (Open Meeting Law)  
Minn. Stat. § 123B.09, Subds. 6, 7, and 10 (School Board Matters)  
Minn. Stat. § 123B.14 (Officers)

**Cross References:**

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

MSBA/MASA Model Policy 203.1

Orig. 1997

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

Rev. 1999

## **203.1 SCHOOL BOARD PROCEDURES; RULES OF ORDER**

### **I. PURPOSE**

The purpose of this policy is to provide specific rules of order to conduct meetings of the school board.

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

To ensure that school board meetings are conducted in an orderly fashion, the school board will follow rules of order which will allow the school board:

- A. To establish guidelines by which the business of the school board can be conducted in a regular and internally consistent manner;
- B. To organize the meetings so all necessary matters can be brought to the school board and decisions of the school board can be made in an orderly and reasonable manner;
- C. To insure that members of the school board have the necessary information to make decisions on substantive issues and to insure adequate discussion of decisions to be made; and
- D. To insure that meetings and actions of the school board are conducted so as to be informative to the staff and the public, and to produce a clear record of actions taken and decisions made.

### **III. RULES OF ORDER**

- A. School board members need not rise to gain the recognition of the chair.
- B. A motion will be adopted or carried if it receives the affirmative votes of a majority of those actually voting on the matter. Abstentions are considered to be acquiescence to the vote of the majority. It should be noted that some motions by statute or Robert's Rules of Order require larger numbers of affirmative votes.
- C. All motions that require a second shall receive a second prior to opening the issue for discussion of the school board. If a motion that requires a second does not receive a second, the chair may declare that the motion fails for lack of a second or may provide the second. The names of the members making and seconding a motion shall be recorded in the minutes.
- D. The chair shall decide the order in which school board members will be recognized to address an issue. An attempt should be made to alternate between pro and con positions if appropriate to the discussion. A member shall only speak to an issue after the member is recognized by the chair.
- E. The chair shall rule on all questions relating to motions and points of order brought before the school board.

- F. A ruling by the chair is subject to appeal to the full school board pursuant to Robert's Rules of Order.
- G. The school board shall have authority to recognize any member of the audience regarding a request to be heard at the school board meeting. Members of the public who wish to be heard shall follow school board procedures.
- H. The chair has the authority to declare a recess at any time for the purpose of restoring decorum to the meeting or for any other necessary purpose.
- I. The chair shall repeat a motion or the substance of a motion prior to the vote. The chair shall call for an affirmative and a negative vote on all motions.
- J. The order in which names will be called for roll call votes will be determined by the school board.

~~***[Note: The school board may choose to include in the policy a method of calling the roll.]***~~

- K. The chair has the same right and responsibility as each school board member to vote on all issues.
- L. The chair shall announce the result of each vote. The vote of each member, including abstentions, shall be recorded in the minutes. If the vote is unanimous, it may be reflected as unanimous in the minutes if the minutes also reflect the members present.
- M. A majority of the voting members of the school board constitute a quorum. The absence of a quorum may be raised by the chair or any member. Generally any action taken in the absence of a quorum is null and void. The only legal actions the school board may take in the absence of a quorum are to fix the time at which to adjourn, to adjourn, to recess or to take measures to obtain a quorum.

~~***[Note: In addition, school boards may have other rules or local customs they wish to incorporate to reflect their normal processes and procedures.]***~~

**Legal References:** Minn. Stat. § 13D.01, Subd. 4 (Open Meeting Law)  
Minn. Stat. § 122A.40 (Employment Contracts, Termination)  
Minn. Stat. § 123B.09, Subds. 6 and 7 (School Board Powers)  
Minn. Stat. § 126C.53 (Enabling Resolution; Form of Certificates of Indebtedness)  
Minn. Stat. § 331A.01, Subd. 6 (Newspapers; Definitions)  
Minn. Stat. § 331A.04, Subd. 6 (Newspapers; Exception to Designation Priority)  
Minn. Stat. § 471.88 (Exceptions)

**Cross References:** ~~MSBA/MASA Model~~ Policy 203 (Operation of the School Board – Governing Rules)  
~~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)

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

~~MSBA/MASA Model~~ Policy 203.2

Orig. 1997

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

Rev. 2007

## **203.2 ORDER OF THE REGULAR SCHOOL BOARD MEETING**

### **I. PURPOSE**

The purpose of this policy is to ensure consistency in the order of business at regular school board meetings.

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

It is the policy of the school board to consider matters that come before it in a consistent and orderly manner.

### **III. ORDER**

A. The school board shall conduct an orderly school board meeting. The school board will, at all regular school board meetings, follow an agenda order similar to:

1. Call Meeting to Order
2. Consideration and Adoption of the Agenda
3. Pledge of Allegiance
4. Consider Requests to Speak on the Agenda
5. Approval of Consent Agenda Items
6. Student Spotlight
7. Action Items
  - a. Building Principals
  - b. Superintendent of Schools
  - c. Board Members
  - d. Around the Table
8. Information Items
9. Upcoming Meetings of the School Board
10. Adjournment

~~**[Note: The school board should incorporate its preferred order of business into this policy.]**~~

~~B. Items in this order may be considered as part of a consent agenda.~~

B. The school board may depart from the order of business with the consent of the majority of members present.

**Legal References:** Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)

**Cross References:** ~~MSBA/MASA Model~~ Policy 203 (Operation of the School Board – Governing Rules)

~~MSBA/MASA Model~~ Policy 203.5 (School Board Meeting Agenda)

~~MSBA/MASA Model~~ Policy 203.6 (Consent Agendas)

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

*MSBA/MASA Model Policy 203.5*

*Orig. 1997*

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

*Rev. 2012*

## **203.5 SCHOOL BOARD MEETING AGENDA**

### **I. PURPOSE**

The purpose of this policy is to provide procedures for the preparation of the school board meeting agenda to ensure that the school board can accomplish its business as efficiently and expeditiously as possible.

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

The policy of the school board is that school board meetings shall be conducted in a manner to allow the school board to accomplish its business while allowing reasoned debate and discussion of each matter to be acted upon.

### **III. PROCEDURES**

- A. While all school board members may provide input, it shall be the responsibility of the school board chair and superintendent to develop, prepare, and arrange the order of items for the tentative school board meeting agenda for each school board meeting.
- B. Persons wishing to place an item on the agenda must make a request to the school board chair or superintendent in a timely manner. The person making the request is encouraged to state the person's name, address, purpose of the item, action desired, and pertinent background information. The chair and superintendent shall determine whether to place the matter on the tentative agenda.

***[Note: The Commissioner of Administration has issued an opinion that a government entity is limited to acting only on those matters specifically included in the notice of a special meeting.]***

- C. The tentative agenda and supporting documents shall be sent to the school board members **four (4)** days prior to the scheduled school board meeting.
- D. Items may only be added to the agenda by a motion adopted at the meeting. If an added item is acted upon, the minutes of the school board meeting shall include a description of the matter.
- E. At least one 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: (i) distributed at the meeting to all members of the governing body; (ii) distributed before the meeting to all members; or (iii) available in the meeting room to all members shall be available in the meeting room for inspection by the public while the school board considers their subject matter. This does not apply to materials classified by law as other than public or to materials relating to the agenda items of a closed meeting.

**Legal References:** Minn. Stat. § 13D.01, Subd. 6 (Open Meeting Law)  
Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)  
Dept. of Admin. Advisory Op. No. 10-013 (April 29, 2010)  
Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)

**Cross References:** ~~MSBA/MASA Model~~ Policy 203 (Operation of the School Board – Governing Rules)  
~~MSBA/MASA Model~~ Policy 203.2 (Order of the Regular School Board Meeting)  
~~MSBA/MASA Model~~ Policy 203.6 (Consent Agendas)  
~~MSBA/MASA Model~~ Policy 204 (School Board Meeting Minutes)  
~~MSBA/MASA Model~~ Policy 207 (Public Hearings)

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

*MSBA/MASA Model* Policy 203.6

Orig. 1997

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

Rev. 1999

## **203.6 CONSENT AGENDAS**

### **I. PURPOSE**

The purpose of this policy is to allow the use of a consent agenda.

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

In order for a more efficient administration of school board meetings, the school board may elect to use a consent agenda for the passage of noncontroversial items or items of a similar nature.

### **III. CONSENT AGENDAS**

- A. The superintendent, in consultation with the school board chair, may place items on the consent agenda. By using a consent agenda, the school board has consented to the consideration of certain items as a group under one motion. Should a consent agenda be used, an appropriate amount of discussion time will be allowed to review any item upon request.
- B. Consent items are those which usually do not require discussion or explanation prior to school board action, are noncontroversial and/or similar in content, or are those items which have already been discussed and/or explained and do not require further discussion or explanation. Such agenda items might include ministerial tasks such as, but not limited to, the approval of the agenda, approval of previous minutes, approval of bills, approval of reports, etc. These items might also include similar groups of decisions such as, but not limited to, approval of staff contracts, approval of maintenance details for the school district buildings and grounds or approval of various schedules.
- C. Items shall be removed from the consent agenda by a timely request by an individual school board member for independent consideration. A request is timely if made prior to the vote on the consent agenda. The request does not require a second or a vote by the school board. An item removed from the consent agenda will then be discussed and acted on separately immediately following the consideration of the consent agenda.
- D. Consent agenda items are approved en masse by one vote of the school board. The consent agenda items shall be separately recorded in the minutes.

**Legal References:** Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)

**Cross References:** *MSBA/MASA Model* Policy 203.2 (Order of the Regular School Board Meeting)  
*MSBA/MASA Model* Policy 203.5 (School Board Meeting Agenda)  
*MSBA/MASA Model* Policy 204 (School Board Meeting Minutes)

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 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 206*

*Orig. 1995*

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

*Rev. 2017*

**206 PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS ABOUT PERSONS AT SCHOOL BOARD MEETINGS AND DATA PRIVACY CONSIDERATIONS**

**I. PURPOSE**

- A. The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. At the same time, the school board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public discussion as well as to protect the due process and privacy rights of individuals under the law.

**II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school board is to encourage discussion by persons of subjects related to the management of the school district at school board meetings. The school board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free discussion by all interested parties.
- B. The school board shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.

**III. DEFINITIONS**

- A. "Personnel data" means government data on individuals maintained because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.
- B. Personnel data on current and former employees that is "public" includes:  
  
Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the complete terms of any agreement settling any dispute arising out of the employment relationship, including a buyout agreement as defined in Minn. Stat. § 123B.143, Subd. 2, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; work telephone number; badge number; work-related continuing education; honors and

awards received; and payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

- C. Personnel data on current and former applicants for employment that is "public" includes:

Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection.

- D. "Educational data" means data maintained by the school district which relates to a student.

- E. "Student" means an individual currently or formerly enrolled or registered in the school district, or applicants for enrollment, or individuals who receive shared time services.

- F. Data about applicants for appointments to a public body, including a school board, collected by the school district as a result of the applicant's application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat. § 15.0597; and veteran status. Once an individual has been appointed to a public body, the following additional items of data are public: residential address; either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; the first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and, upon completion of an investigation of a complaint or charge against an appointee, the final investigative report unless access to the data would jeopardize an active investigation. Any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

#### **IV. RIGHTS TO PRIVACY**

- A. School district employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
  2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
  3. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);

4. right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
  2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
  3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

## **V. THE PUBLIC'S OPPORTUNITY TO BE HEARD**

The school board will strive to give all persons an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

## **VI. PROCEDURES**

### **A. Agenda Items**

1. Persons who wish to have a subject discussed at a public school board meeting are encouraged to notify the superintendent's office in advance of the school board meeting. The person should provide his or her name, address, the name of group represented (if any), and the subject to be covered or the issue to be addressed.
2. Persons who wish to address the school board on a particular subject **will be asked to fill out a form** to identify the subject and identify agenda item(s) to which their comments pertain.
3. The school board chair will recognize one speaker at a time and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
4. The school board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the school board. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
5. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.

6. The school board chair shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
7. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
8. Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

B. Complaints

1. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.
2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the superintendent.
3. Unresolved complaints from Paragraph 1. of this section or problems concerning the school district should be directed to the superintendent's office.
4. Complaints which are unresolved at the superintendent's level may be brought before the school board by notifying the school board in writing.

C. Open Forum

The school board shall normally provide a specified period of time when persons may address the school board on any topic, subject to the limitations of this policy. The school board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

The school board may decide to hold certain types of public meetings where the public will not be invited to address the school board. Possible examples are work sessions and board retreats. The public will still be entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the board.

D. No Board Action at Same Meeting

Except as determined by the school board to be necessary or in an emergency, the school board will not take action at the same meeting on an item raised for the first time by the public.

## VII. PENALTIES FOR VIOLATION OF DATA PRIVACY

- A. The school district is liable for damages, costs and attorneys' fees, and, in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor. (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.43 (Personnel Data)  
Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)  
Minn. Stat. § 13D.05 (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. § 122A.44 (Contracting with Teachers)  
Minn. Stat. § 123B.02, Subd. 14 (Employees; Contracts for Services)  
Minn. Stat. § 123B.143, Subd. 2 (Disclose Past Buyouts or Contract is Void)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
Minn. Op. Atty. Gen. 852 (July 14, 2006)

**Cross References:** ~~MSBA/MASA Model~~ Policy 205 (Open Meetings and Closed Meetings)  
~~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)  
MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records – Privacy – Access to Data)

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

*MSBA/MASA Model Policy 207*

*Orig. 1995*

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

*Rev. 2009*

## **207 PUBLIC HEARINGS**

### **I. PURPOSE**

The school board recognizes the importance of obtaining public input on matters properly before the school board. The purpose of this policy is to establish procedures to efficiently receive public input.

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

In order for the school board to efficiently receive public input on matters properly before the school board, the procedures set forth in this policy are established by the school board.

### **III. PROCEDURES**

#### **A. Public Hearings**

Public hearings are required by law to be held concerning certain issues, including but not limited to, school closings (Minn. Stat. § 123B.51), education district establishment (Minn. Stat. § 123A.15), and agreements for secondary education (Minn. Stat. § 123A.30). Additionally, other public hearings may be held by the school board on school district matters at the discretion of the school board.

#### **B. Notice of Public Hearings**

Public notice of a public hearing required by law shall be given as provided by the enabling legislation. Public notice of other hearings shall be given in the manner required for a regular meeting if held in conjunction with a regular meeting, in the manner required for a special meeting if held in conjunction with a special meeting, or as otherwise determined by the school board.

#### **C. Public Participation**

The school board retains the right to require that those in attendance at a public hearing indicate their desire to address the school board and complete and file with the clerk of the school board an appropriate request card prior to the commencement of the hearing if the school board utilizes this procedure. In that case, any request to address the school board after the commencement of the hearing will be granted only at the discretion of the school board.

1. Format of Request: If required by the school board, a written request of an individual or a group to address the school board shall contain the name and address of the person or group seeking to address the school board. It shall also contain the name of the group represented, if any, and a brief statement of the subject to be covered or the issue to be addressed.
2. Time Limitation: The school board retains the discretion to limit the time for each presentation as needs dictate.

3. Groups: The school board retains the discretion to require that any group of persons who desire to address the school board designate one representative or spokesperson. In the event that the school board requires the designation of a representative or spokesperson, no other person in the group will be recognized to address the school board, except as otherwise determined by the school board.
4. Privilege to Speak: A school board member should direct any remarks or questions through the chair. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
5. Personal Attacks: Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
6. Limitations on Participation: Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

**Legal References:** Minn. Stat. § 123A.15 (Education District Establishment)  
Minn. Stat. § 123A.30 (Agreements for Secondary Education)  
Minn. Stat. § 123B.51 (School Closings)

**Cross References:** ~~MSBA/MASA Model~~ Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)

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

*MSBA/MASA Model Policy 208*

*Orig. 1995*

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

*Rev. 2015*

## **208 DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES**

***[Note: The provisions of this policy are recommendations. The procedures for policy development, adoption, and implementation are not specifically provided by statute.]***

### **I. PURPOSE**

The purpose of this policy is to emphasize the importance of the policy-making role of the school board and provide the means for it to continue to be an ongoing effort.

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

Formal guidelines are necessary to ensure the school community that the school system responds to its mission and operates in an effective, efficient, and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the school board and should be in a form which is sufficiently explicit to guide administrative action.

### **III. DEVELOPMENT OF POLICY**

- A. The school board has jurisdiction to legislate policy for the school district with the force and effect of law. School board policy provides the general direction as to what the school board wishes to accomplish while delegating implementation of policy to the administration.
- B. The school board's written policies provide guidelines and goals to the school community. The policies shall be the basis for the formulation of guidelines and directives by the administration. The school board shall determine the effectiveness of the policies by evaluating periodic reports from the administration.
- C. Policies may be proposed by a school board member, employee, student or resident of the school district. Proposed policies or ideas shall be submitted to the superintendent for review prior to possible placement on the school board agenda.

### **IV. ADOPTION OF POLICY**

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The proposals shall be distributed and public comment will be allowed at both meetings prior to final school board action.
- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the school board at a subsequent meeting after the meetings at which public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.
- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The

emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The school board shall have discretion to determine what constitutes an emergency situation.

- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

## **V. IMPLEMENTATION OF POLICY**

- A. The superintendent shall be responsible for implementing school board policies, other than the policies that cover how the school board will operate. The superintendent shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the school board.

***[Note: These policies are found in the 200 Series of the MSBA/MASA Policy Reference Manual.]***

- B. Each school board member shall have access to this policy manual, and a copy shall be placed in the office of each school attendance center. Manuals shall be available in the central office and made available for reference purposes to other interested persons.
- C. The superintendent, employees designated by the superintendent, and individual school board members shall be responsible for keeping the policy manuals current.
- D. The school board shall review policies at least once every three years. The superintendent shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually. In addition, the school board shall review the following policies annually: 410 Family and Medical Leave Policy; 413 Harassment and Violence; 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse; 415 Mandated Reporting of Maltreatment of Vulnerable Adults; 506 Student Discipline; 514 Bullying Prohibition Policy; 522 Student Sex Nondiscrimination; 524 Internet Acceptable Use and Safety Policy; 616 School District System Accountability; and 806 Crisis Management Policy.
- E. When no school board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school district. Under such circumstances, the superintendent shall advise the school board of the need for a policy and present a recommended policy to the school board for approval.

**Legal References:** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09, Subd. 1 (School Board Powers)

**Cross References:** *MSBA/MASA Model* Policy 305 (Policy Implementation)

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

*MSBA/MASA Model Policy 209*

*Orig. 1995*

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

*Rev. 2009*

## **209 CODE OF ETHICS**

### **I. PURPOSE**

The purpose of this policy is to assist the individual school board member in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

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

Each school board member shall follow the code of ethics stated in this policy.

#### **A. AS A MEMBER OF THE SCHOOL BOARD, I WILL:**

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed discussion, unless I abstain because a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Recognize the integrity of my predecessors and associates and appreciate their work.
7. Be primarily motivated by a desire to provide the best possible education for the students of my school district.
8. Inform myself about the proper duties and functions of a school board member.

#### **B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:**

1. Focus on education policy as much as possible.
2. Remember my responsibility is to set policy – not to implement policy.
3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
4. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the schools are properly run – not to run them myself.

5. Work through the superintendent – not over or around the superintendent.
  6. Delegate the implementation of school board decisions to the superintendent.
- C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:
1. Respect the rights of others to have and express opinions.
  2. Recognize that authority rests with the school board in legal session – not with the individual members of the school board except as authorized by law.
  3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
  4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
  5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.
  6. Insist that committees be appointed to serve only in an advisory capacity to the school board.
- D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:
1. Attempt to appraise and plan for both the present and future educational needs of the school district and community.
  2. Attempt to obtain adequate financial support for the school district's programs.
  3. Insist that business transactions of the school district be ethical and open.
  4. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.
- E. IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND STAFF, I WILL:
1. Hold the superintendent responsible for the administration of the school district.
  2. Give the superintendent authority commensurate with his or her responsibilities.
  3. Assure that the school district will be administered by the best professional personnel available.
  4. Consider the recommendation of the superintendent in hiring all employees.
  5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
  6. Insist the superintendent keep the school board adequately informed at all times.

7. Offer the superintendent counsel and advice.
8. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the school board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the superintendent.
11. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

F. IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:

1. Comply with all federal, state, and local laws relating to my work as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.
4. Recognize that school district business may be legally transacted only in an open meeting of the school board.
5. Avoid conflicts of interest and refrain from using my school board position for personal gain.
6. Take no private action that will compromise the school board or administration.
7. Guard the confidentiality of information that is protected under applicable law.

**Legal References:** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09 (School Board Powers)  
Minn. Stat. § 123B.143, Subd. 1 (Superintendent)

**Cross References:** MSBA Service Manual, Chapter 1, School Board Member Code of Ethics

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 211*

*Orig. 1995*

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

*Rev. 2006*

**211 CRIMINAL OR CIVIL ACTION AGAINST SCHOOL DISTRICT, SCHOOL BOARD MEMBER, EMPLOYEE, OR STUDENT**

**I. PURPOSE**

The purpose of this policy is to provide guidance as to the school district's position, rights, and responsibilities when a civil or criminal action is pending against the school district, or a school board member, school district employee, or student.

**II. GENERAL STATEMENT OF POLICY**

- A. The school district recognizes that, when civil or criminal actions are pending against a school board member, school district employee, or student, the school district may be requested or required to take action.
- B. In responding to such requests and/or requirements, the school district will take such measures as are appropriate to its primary mission of providing for the education of students in an environment that is safe for staff and students and is conducive to learning.
- C. The school district acknowledges its statutory obligations with respect to providing assistance to school board members and teachers who are sued in connection with performance of school district duties. Collective bargaining agreements and school district policies may also apply.

**III. CIVIL ACTIONS**

- A. Pursuant to Minn. Stat. § 466.07, Subd. 1, the school district shall defend and indemnify any school board member or school district employee for damages in school-related litigation, including punitive damages, claimed or levied against the school board member or employee, provided that he or she was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.
- B. Pursuant to Minn. Stat. §123B.25(b), with respect to teachers employed by the school district, upon written request of the teacher involved, the school district shall provide legal counsel for any school teacher against whom a claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the school district. The school district will choose legal counsel after consultation with the teacher.
- C. Data Practices

Educational data and personnel data maintained by the school district may be sought as evidence in a civil proceeding. The school district will release the data only pursuant to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and related regulations. When an employee is subpoenaed and is expected to testify regarding

educational data or personnel data, he or she is to inform the building administrator or designated supervisor, who shall immediately inform the superintendent or designee. No school board member or employee may release data without consultation in advance with the school district official who is designated as the authority responsible for the collection, use, and dissemination of data.

D. Service of Subpoenas

The policy of the school district is that its officers and employees will normally not be involved in providing service of process for third parties in the school setting.

E. Leave to Testify

Leave for employees appearing in court, either when sued or under subpoena to testify, will be considered in accordance with school district personnel policies and applicable collective bargaining agreements.

**IV. CRIMINAL CHARGES OR CONDUCT**

A. Employees

1. The school district expects that its employees serve as positive role models for students. As role models for students, employees have a duty to conduct themselves in an exemplary manner.
2. If the school district receives information relating to activities of a criminal nature by an employee, the school district will investigate and take appropriate disciplinary action, which may include discharge, subject to school district policies, statutes, and provisions of applicable collective bargaining agreements.
3. Pursuant to Minn. Stat. § 123B.02, Subd. 20, if reimbursement for a criminal defense is requested by a school district employee, the school board may, after consulting with its legal counsel, reimburse the employee for any costs and reasonable attorney fees incurred by the employee to defend criminal charges brought against the employee arising out of the performance of duties for the school district. The decision as to whether to reimburse shall be made in the discretion of the school board. A school board member who is a witness or an alleged victim in the case may not vote on the reimbursement. If a quorum of the school board is disqualified from voting on the reimbursement, the reimbursement must be approved by a judge of the district court.

B. Students

The school district has an interest in maintaining a safe and healthful environment and in preventing disruption of the educational process. In order to further that interest, the school district will take appropriate action regarding students convicted of crimes that relate to the school environment.

C. Criminal Investigations

1. The policy of the school district is to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless there are extenuating circumstances or

the matter being investigated is school-related, or as otherwise provided by law.

2. If such questioning at school is unavoidable, the school district will attempt to maintain confidentiality, to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, principal, or other appropriate school official will be present during the interview, except as otherwise required by law (Minn. Stat. § 626.556, Subd. 10), or as otherwise determined in consultation with the parent or guardian.

D. Data Practices

The school district will release to juvenile justice and law enforcement authorities educational and personnel data only in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C. § 1232g (FERPA).

**V. STATEMENTS WHEN LITIGATION IS PENDING**

The school district recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or named in the lawsuit, as well as insurance carrier(s). Therefore, school board members or school district employees shall make or release statements in that situation only in consultation with legal counsel.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel, Reimbursement)  
Minn. Stat. § 123B.25(b) (Actions Against Teachers)  
Minn. Stat. § 466.07, Subd. 1 (Indemnification)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
42 U.S.C. § 1983 (Civil Action for Depriving Rights)  
Minn. Op. Atty. Gen. 169 (Mar. 7, 1963)  
Minn. Op. Atty. Gen. 169 (Nov. 3, 1943)  
*Dypress v. School Committee of Boston*, 446 N.E.2d 1099 (Mass. App. Ct. 1983)  
*Wood v. Strickland*, 420 U.S. 308, 95 S.Ct. 992, 43 L.Ed.2d 214 (1975)

**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 408 (Subpoena of a School District Employee)  
~~MSBA/MASA Model~~ Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
~~MSBA/MASA Model~~ Policy 506 (Student Discipline)  
~~MSBA/MASA Model~~ Policy 515 (Protection and Privacy of Pupil Records)

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

*MSBA/MASA Model* Policy 212

Orig. 1995

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

Rev. 2005

## **212 SCHOOL BOARD MEMBER DEVELOPMENT**

### **I. PURPOSE**

In recognition of the need for continuing inservice training and development for its members, the purpose of this policy is to encourage the members of the school board to participate in professional development activities designed for them so that they may perform their responsibilities.

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

- A. New school board members will be provided the opportunity and encouragement to attend the orientation and training sessions sponsored by the Minnesota School Boards Association (MSBA). School board members shall receive training in school finance and management developed in consultation with MSBA.
- B. All school board members are encouraged to participate in school board and related workshops and activities sponsored by local, state, and national school boards associations, as well as in the activities of other educational groups.
- C. School board members are expected to report back to the school board with materials of interest gathered at the various meetings and workshops.
- D. The school board will reimburse the necessary expenses of all school board members who attend meetings and conventions pertaining to school activities and the objectives of the school board, within the approved policy and budget allocations of the school district relating to the reimbursement of expenses involving the attendance at workshops and conventions.

**Legal References:** Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)

**Cross References:** *MSBA/MASA Model* Policy 214 (Out-of-State Travel by School Board Members)  
*MSBA/MASA Model* Policy 412 (Expense Reimbursement)



## ADDENDUM

### REGULAR BOARD MEETING Monday, May 16, 2022 SPCC-Governor's Room 6:30PM

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#### VII. ACTION ITEMS

##### **3. AGENDA ITEM #3**

**Subject:** Consider Revisions of FY22 Budget

**Action:** Requires a Motion

**Background:** Budget plans are evolving plans that change over the course of a year. Typically, there are small adjustments that need to be made to respond to needs. Changes brought about by the COVID pandemic such as enrollment decline, inflation and increasing costs of materials, supplies, energy, etc. have caused a larger variance from the planned budget than in years past. The Business Committee thoroughly reviewed the recommended adjustments and have brought it to the full board for consideration.

**Presentation:** Superintendent Gronseth  
Business Manager

**Options/Recommendation:** I recommend accepting the FY22 Budget Revisions.

	A	B	C	D	E	F	G
1	Tregner/Dpeterson/budget 21-2rev/ Rev Bud		St. Peter Public Schools				0
2			21-22 to Board May 2022	2021-22			
3				Revised Budget			T+E1:G18
4				May 11, 2022			
5							
6	s		Fund Balances				Projected
7			as of				Fund Balance
8	Funds		6/30/2021	Revenues	Expenditures	Transfers	6/30/2022
9							
10	General Fund unassigned Funds, 01,03, 22	*	5,420,331	28,379,267	29,753,437	793,860	4,840,021
11							
12	Assigned Gifted and Talented		13				
13	Assigned learning and development		312				
14	Nonspendable ( Prepaids )	*	11,107				11,107
15	Medical assistance -restricted						0
16	Reserved Basic Skills		6,322				6,322
17	Reserved staff Dev		3,850				
18	Assigned for severence		364,171				364,171
19	Assigned for VEBA trust		471,000		102,150	125,150	494,000
20	Assigned Bond and CSP		223,735			-223,735	0
21	Assigned for operatin new HS		1,670,000			-835,000	835,000
22	Assigned Para		10,000				10,000
23	Assigned water mitigation		374,737				374,737
24	Assigned AAA		59,186				59,186
25	Assigned Fund the Depreciation		192,955				192,955
26	Assigned Dental reserve		78,609				78,609
27	Transfer to Food Service		0				0
28	Reserved for A & I		12,278				12,278
29	Activity Funds						
30	High School Activity Fund 30		87,009	90,000	90,000		87,009
31	North Elementary- Fund 11		26,193	50,000	50,000		26,193
32	South Elementary - Fund 12		5,754	27,500	27,500		5,754
33	M/S activity - Fund 13		11,704	20,000	20,000		11,704
34							
35	Concession - Fund 23		-3,889	55,000	54,500		-3,389
36							
37	misc scholarships		137,251				137,251
38							
39							
40	General Fund Sub Total		9,162,628	28,621,767	30,097,587	-139,725	7,547,083
41							
42							
43							
44	Capital Expenditure 01 /05						
45	Restricted for deferred maintenance/LTFM		-220,248	889,689	981,562		-312,121
46	Operating Cap (eq&fac)		235,517	922,279	939,133	139,725	358,388
47	Health and safety		0				0
48	Capital Fund Sub Total		15,269	1,811,968	1,920,695	139,725	46,267
49							
50							
51	Total General Fund Total		9,177,897	30,433,735	32,018,282	0	7,593,350
52							
53							
54							
55	Food Service 02		786,059	2,200,479	1,941,820		1,044,718
56							
57							0
58	Community Service 04		-46,368	776,359	1,048,771		-318,780
59							
60							
61	Capital Projects Funds Regular		4,927	0	4,927		0
62	Bond Refendum		113,651	18	113,669		0
63	Total Capital Project Funds		118,578	18	118,596		0
64							
65	Debt Redemption 07		657,567	3,248,289	3,249,250		656,606
66							
67							
68							
69	Trust Fund 08		714,640	15,812	22,000		708,452
70							
71							
72	District Totals		11,408,373	36,674,692	38,398,719	0	9,684,346
73							
74							

	A	B	C	D	E	F	G	H	
312								5/9/2022	
313	FY 22 - next year- 5th Year of new School Building								
314									
315	Estimated fund Balance								5,420,331
316									
317									
318	Actual 20/21 Revenues								27,690,340
319	legislative increase EST 2% - FY21 Gen Ed revenue 6,566 x2.0 to 6697 or 132 x 2390 est WADM for FY21								315,480
320	estimated change in enrollment FY 21 2390 - 2290 = 100 X 6,566								-656,600
321	estimated compensatory decrease								-203,000
322	Additional est Sped Rev from inc costs and cross subsidy aid								100,000
323	EstAdditional Revenue Hoffmann Bills due to staff shift								40,000
324	CRF funds remove								-530,379
325	County/Township Funds								-149,600
326	ESSER/GEER 1								-268,590
327	Add back admission about 50,000 & est student feess 25,000								75,000
328	ESSER 2 Spending Entire amount - no ESSER 3 funds projected those in FY 23 may spend some FY 22								711,324
329	Covid Fin 169 lerning recovery								297,686
330	Covid Fin 170 Testing								118,797
331	Covid Fin 171 Enrollment loss								90,069
332	Covid Fin 159 Homeless								7,376
333	Covid Fin162 Summer learn								1,946
334	safety grant from previus years								31,509
335	Covid Esser 3 Fin 160 90% Formula								400,000
336	Covid ESSER 3 Fin 161 Learning Loss								100,000
337	extra CTE levy estimate								50,000
338	estimate increase in Sped due to higher costs								138,584
339	transfer money assigned during fy15-18					to meet fund balance goal or can lower goal and transfer less		remove FY23	835,000
340	transfer money from SCP Bond restrooms								223,735
341	misc revenue to balance out to SMART								19,325
342	Estimate 21/22 Revenues				fy22 rev	29,438,002		29,438,002	
343					fy22 exp	30,018,312			
344	Actual20/21 Expenditures				revenue under expenditures	-580,310		27,138,645	
345	Expenditure increase								900,000
346	remove veba assignment trust								-80,000
347	Est. amount to be assigned in FY19 to the Assigned for VEBA Trust					remove fy23			125,150
348	MVED negotiations and extra costs								50,000
349	CRF Funds								-530,379
350	ounty/Township Funds								-80,383
351	ESSER/Township Funds								-268,590
352	remove middle school nd other projectsfrom FY 21 not done n FY22								-194,249
353	remoe O19 and C19 Covid exp from FY21 not reim by other Covid Fin Codes								-14,313
354	Estimated expenses prev paid in A & I but Gen Fund exp FY 22								67,536
355	staff replacments not A & I related								10,995
356	new staff - S. Worker, Instruc Coach- paras?, Hoffmann ,MVED counselor adjustment est								207,781
357	Balance of outreach hire								50,000
358	Extra costs MVED - Fed funds used for CEIS								86,000
359	estimated referendum expenses								15,000
360	additional grounds upkeep								10,000
361	CSP annual enhancements to bring bud to 25,000								16,594
362	Covid Funds Revenue expense supplants some other expenses and new hires								1,227,198
363	ECSE Sped as did not set up new accounts when moved org								8,600
364	estimate higher utility and fuel costs								175,000
365	Estimate increase in trnsportation more routes, more activities, higher fuel etc								150,000
366	Tech. initiative 1 to 1 ipads exta cost of lease				no increase last year was fy18				139,425
367	extra cost Hoffmann Center change program estimate								230,000
368	costs CSP and Bond etc offset transfer in								223,735
369	estimate increase in trnsportation more routes, more activities, higher fuel etc								200,000
370	misc expenses to balance out to SMART additional activity at schools this year								154,567
371	Estimated 21/22 Expenditures								30,018,312
372									
373	Estimated fund balance 6/30/2022 - FY22					goal 60 days			4,840,021
374						4,839,124			about 60
375									days
376									
377									% of Revenue
378									16%



## ADDENDUM

### REGULAR BOARD MEETING Monday, May 16, 2022 SPCC-Governor's Room 6:30PM

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#### VII. ACTION ITEMS

<b>4. AGENDA ITEM #4</b>
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**Subject:** Consider Resolution Designating Medsurety LLC and Matrix Trust as Health Reimbursement Arrangement Trustee

**Action:** Requires a Resolution

**Background:** As part of employment contracts, employees receive funds that are held in a health reimbursement Arrangement (HRA). These funds are managed by a third party. It is administrations recommendation that we work with Medsurety for the management of these funds.

**Presentation:** Superintendent Gronseth  
Business Manager

**Options/Recommendation:** I recommend approval of this resolution.

**St Peter ISD 508  
State of Minnesota**

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Member \_\_\_\_\_ introduced the following Resolution and moved its adoption:

**RESOLUTION DESIGNATING MEDSURETY LLC and MATRIX TRUST AS  
HEALTH REIMBURSEMENT ARRANGEMENT TRUSTEE**

**WHEREAS**, St Peter ISD 508 changed its vendor for its Health Reimbursement Arrangement effective July 1, 2022 from Further/HealthEquity to MEDSURETY LLC; and

**WHEREAS**, MATRIX, was the previous Trustee of the St Peter ISD 508 HRA Trust administered by Further/HealthEquity; and

**WHEREAS**, MEDSURETY LLC and MATRIX Trust is the successor Trustee of the St Peter ISD 508 HRA Trust administered by Medsurety; and

**NOW, THEREFORE, BE IT RESOLVED**, that St Peter ISD 508 Board for St Peter ISD 508, hereby designates MEDSURETY LLC and MATRIX Trust as the Trustee of the St Peter ISD 508 HRA Trust effective July 1, 2022 and removes the Minnesota Healthcare Consortium (MHC)/ Further/HealthEquity as the designated Trustee.

The motion for the adoption of the foregoing resolution was duly seconded by \_\_\_\_\_, and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the resolution:

Whereupon this Resolution was declared duly passed and adopted.

Authorized Signer

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## ADDENDUM

### REGULAR BOARD MEETING Monday, May 16, 2022 SPCC-Governor's Room 6:30PM

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#### VIII. INFORMATION ITEMS

<b>1. AGENDA ITEM #1</b>
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**Subject:** Summer Programming 2022

**Background:** Each year we offer continuing learning opportunities for our students. Post-pandemic these services are more important than ever. We will provide a listing of all the programs being offered this summer.

**Presentation:** Superintendent of Schools



## ADDENDUM

### REGULAR BOARD MEETING Monday, May 16, 2022 SPCC-Governor's Room 6:30PM

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#### VIII. INFORMATION ITEMS

##### **2. AGENDA ITEM #2**

**Subject:** First Reading of Revisions to Policy Manual

**Background:** The following policies were reviewed by the Policy Committee and brought forward for a first reading:

Policy 305 Policy Implementation  
There is no existing policy that corresponds.  
In II.A. Strike the last sentence  
Cross Reference: strike "MSBA Model"  
Two Readings

Policy 306 Administrator Code of Ethics  
There is no existing policy that corresponds.  
I recommend adopting as written.  
Two Readings

Delete current Policy 003.4 Review of Administrative Decisions  
This process is covered by contract language and does not need to be in policy.  
Two Readings

Delete current Policy 003.2 Site-Based Decision Making  
While we value stakeholder input, and use building leadership teams to guide our work, the State requirements have changed in regard to site based management.  
Two Readings

Policy 404 Employment Background Checks  
Replaces current Policy 005.91 Employment Background Checks  
Strike notation in beginning  
III.B. (We use an online company to complete background checks. Perspective employees go online to complete the permission and provide payment. The language changes below reflect this process)  
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 either to 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 the payment for 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 to provide a criminal history background check 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.

Strike notation following this section

III.C. Strike this section– we want to complete background checks on all new employees

III.D. Strike this section for the same reason

III.E Strike this section- We use a nation-wide company so would not need reports from separate states.

Strike Form at the end– we use an online platform.

Two Readings

Policy 405 Veteran's Preference

There is no current corresponding policy.

Strike opening notation

Because we do not give exams or use point systems for screening, I did some research into the statutes (see portions of 43A.11 and 197.455 below) to see what the requirements are for us. As long as veterans are granted interviews, the points don't matter. Our practice is to grant interviews to veterans. I will recommend changes to the model policy to reflect this.

Subd. 7. Ranking of veterans. Applicants who meet the minimum qualifications for a vacant position and claim disabled veteran's preference shall be listed in the applicant pool ahead of all other applicants. Applicants who meet the minimum qualifications for a vacant position and claim nondisabled veteran's preference shall be listed in the applicant pool after those claiming disabled veteran's preference and ahead of nonveterans. Each recently separated veteran who meets minimum qualifications for a vacant position and has claimed a veterans or disabled veterans preference must be considered for the position. The top five recently separated veterans must be granted an interview for the position by the hiring authority.

The term "recently separated veteran" means a veteran, as defined in section 197.447, who has served in active military service, at any time on or after September 11, 2001, and who has been honorably discharged from active service, as shown by the person's form DD-214.

Subd. 8. Notification. The commissioner or an appointing authority, when notifying applicants that they have been accepted into the state's selection process, shall notify applicants that they may elect to use veteran's preference.

Subd. 9. Rejection; explanation. If the appointing authority rejects a member of the finalist pool who has claimed veteran's preference, the appointing authority shall notify the finalist in writing of the reasons for the rejection.

(b) Any public school under the state's Education Code opting at any time not to use a 100-point hiring method to evaluate applicants for teaching positions is exempt from the requirements of subdivisions 4 and 5 for determining veterans preference points, but must instead grant to any veteran who applies for a teaching position and who has proper licensure for that position an interview for that position.

IIC. Strike all of C and replace with "All applicants claiming Veterans' preference will be granted an interview."

IIG Strike notation following

Cross Reference: strike "MSBA Model"

Two Readings

#### Policy 408 Subpoena of a School District Employee

No current corresponding policy

I recommend adopting this language as written.

Cross Reference: strike "MSBA Model"

Two Readings

#### Policy 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse

Replaces current Policy 007.45 Mandated Reporting of Child Neglect or Physical or Sexual Abuse

The two policies contain the same sections with much of the same language. There are a couple new paragraphs in the model policy. The differences are not significant.

I recommend adopting the policy as written

Strike notations and "MSBA Model" from cross references.

Policy 414 FM- MDE Form for policy 414. Can also be found and completed online- this should be listed: For electronic submission, visit MDE webpage at:

<https://education.mn.gov/mde/dse/mal/>

It also has the prior address of mde and should be updated to: 1500 Highway 36 West, Roseville, MN 55113-4266

Two Readings

#### Policy 415 Mandated Reporting of Maltreatment of Vulnerable Adults

Replaces current Policy 007.46 Mandated Reporting of Maltreatment of Vulnerable Adults

Strike opening notation

There are several changes to definitions to follow statute language.

The procedures and other information are almost the exact language.

I recommend adopting the policy as written.

Cross references: strike "MSBA Model"

Two Readings

#### Policy 416 Drug and Alcohol Testing

No current corresponding policy.

Strike notations throughout- there are many.

III.O.2.b. Keep the original paragraph rather than the bold.

Sections I through III pertain to bus drivers or those requiring a commercial driver's license. While this is the responsibility of our service contractors, we should have the policy in place should we ever need it.

Also, Section IV pertains to employees other than drivers. If there is ever a time we would require drug or alcohol testing, we need to adopt this language. I recommend however, that we strike IV.A.3 which includes random drug testing of employees. IV.C.6 would also be stricken for the same reason.

Striking these sections also requires renumbering of all the following items.

The Policy includes 7 forms for notification, permission, and notifications regarding this policy. They should be updated to include the indicated information (district number, name, etc.) Not all of them would be used, but are good resources for staff.

Cross Reference: strike "MSBA Model"

Two Readings

Policy 422 Policies Incorporated by Reference

No current corresponding policy.

This is a listing of policies that apply to employees but are not included in this section– it is a cross reference.

Two Readings

Policy 423 Employee-Student Relationships

No current corresponding policy

II.F. strike notation

It is recommended to accept the language as written.

Two Readings

Policy 425 Staff Development

No current corresponding policy.

This policy reflects statutory requirements. While we have much of this in place, it indicates several changes that will need to be made.

I recommend adopting the policy as written.

Notations can be stricken throughout.

Two Readings

**Presentation:** Superintendent of Schools

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

*MSBA/MASA Model* Policy 305

Orig. 1995

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

Rev. 1999

## **305 POLICY IMPLEMENTATION**

### **I. PURPOSE**

The purpose of this policy is to clarify the responsibility of the school administration for implementation of school board policy.

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

- A. It shall be the responsibility of the superintendent to implement school board policy and to recommend additions or modifications thereto. The administration is authorized to develop guidelines and directives to effectuate the implementation of school board policies. These guidelines and directives shall not be inconsistent with said policies. ~~At least annually, these written procedures shall be presented to the school board for review.~~
- B. Employee and student handbooks shall be subject to annual review and approval by the school board.
- C. School principals and other administrators who have handbook responsibilities shall present recommended changes necessary to reflect new or modified policies. Changes of substance within handbooks shall be reviewed by the superintendent to assure compliance with school board policy and shall be approved by the school board.

**Legal References:** Minn. Stat. § 123B.143 (Superintendent)

**Cross References:** ~~MSBA/MASA Model~~ Policy 208 (Development, Adoption, and Implementation of Policies)

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

*MSBA/MASA Model* Policy 306

Orig. 1995

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

Rev. 2002

## **306 ADMINISTRATOR CODE OF ETHICS**

### **I. PURPOSE**

The purpose of this policy is to establish the requirements of the school board that school administrators adhere to the standards of ethics and professional conduct in this policy and Minnesota law.

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

- A. An educational administrator's professional behavior must conform to an ethical code. The code must be idealistic and at the same time practical, so that it can apply reasonably to all educational administrators. The administrator acknowledges that the schools belong to the public they serve for the purpose of providing educational opportunities to all. However, the administrator assumes responsibility for providing professional leadership in the school and community. This responsibility requires the administrator to maintain standards of exemplary professional conduct. It must be recognized that the administrator's actions will be viewed and appraised by the community, professional associates, and students. To these ends, the administrator must subscribe to the following standards.
- B. The Educational Administrator:
  - 1. Makes the well-being of students the fundamental value of all decision-making and actions.
  - 2. Fulfills professional responsibilities with honesty and integrity.
  - 3. Supports the principle of due process and protects the civil and human rights of all individuals.
  - 4. Obeys local, state, and national laws and does not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
  - 5. Implements the school board's policies.
  - 6. Pursues appropriate measures to correct those laws, policies, and regulations that are not consistent with sound educational goals.
  - 7. Avoids using positions for personal gain through political, social, religious, economic, or other influence.
  - 8. Accepts academic degrees or professional certification only from duly accredited institutions.
  - 9. Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.

10. Honors all contracts until fulfillment, release, or dissolution is mutually agreed upon by all parties to the contract.
11. Adheres to the Code of Ethics for School Administrators in Minnesota Rule.

**Legal References:** Minn. Stat. § 122A.14, Subd. 4 (Code of Ethics)  
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)

**Cross References:**

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~~ **payment for** 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 to~~ **provide a criminal background check** 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:**

**Sample Informed Consent Form**

For Criminal History Background Check  
Your School District Name and Number  
Street Address  
City, State, and Zip Code  
Telephone Number

\_\_\_\_\_ Date: \_\_\_\_\_

The following named individual has made application with this School District for employment or provision of athletic coaching services or other extracurricular academic coaching services.

Full Name of Individual: \_\_\_\_\_  
(please print) \_\_\_\_\_ Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Maiden, Previous, Alias: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Sex (M or F): \_\_\_\_\_  
\_\_\_\_\_ Month/Day/Year

I authorize the Minnesota Bureau of Criminal Apprehension to disclose all criminal history record information to \_\_\_\_\_ pursuant to Minn. Stat. § 123B.03 for the purpose of \_\_\_\_\_ with this School District.

**CONDITIONAL HIRING:** I understand that the School District may permit me to commence my employment duties or provide athletic coaching services or other extracurricular academic coaching services pending completion of the criminal history background check and acknowledge and agree that my employment or services may be terminated based on the result of the background check.

The expiration of this authorization shall be for a period no longer than one year from the date of my signature.

\_\_\_\_\_  
Signature of Applicant or Potential Service Provider \_\_\_\_\_ Date

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

*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  
Criminal Justice Information Section  
Attn: Record Checks  
1430 Maryland Avenue E.  
St. Paul, MN 55106*

## EMPLOYMENT AND SERVICES CRIMINAL HISTORY BACKGROUND CHECKS

### NOTICE TO PARENTS AND GUARDIANS

The school district has adopted a policy, the purpose of which is to promote the physical, social, and psychological well-being of its students. Pursuant to this policy, the school district shall seek criminal history background checks for all applicants who receive an offer of employment with the school district. The school district also shall seek criminal history background checks for 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 compensation is paid. These positions include, but are not limited to, all athletic coaches, extracurricular academic coaches, assistants, and advisors. The school district may elect to seek criminal history background checks for other volunteers, independent contractors, and student employees.

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. **All applicants claiming Veteran's preference will be granted an interview.**  
~~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 408

Orig. 1995

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

Rev. 2007

## **408 SUBPOENA OF A SCHOOL DISTRICT EMPLOYEE**

### **I. PURPOSE**

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

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

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

### **III. DATA CLASSIFICATION**

#### **A. Educational Data**

##### **1. State Law**

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

##### **2. Federal Law**

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

#### **B. Personnel Data**

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

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

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

immediately inform the superintendent that the employee has received a subpoena.

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

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

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

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)

**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).

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

**This form is available online at: <https://education.mn.gov/mde/dse/mal/>**

June 2016

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 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
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“Basic records” includes records of: (a) alcohol test results with concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary.

Information obtained from previous employers	3 years
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~~ **RENUMBER**

~~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.~~

**RENUMBER**

- 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)

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**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

416-29F  
**( 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*

416-30F  
**( 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:

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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: \_\_\_\_\_

416-32F  
(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.

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[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:* \_\_\_\_\_

416-34F

**( 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*

416-35F

**( 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

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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.

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( 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*

**( 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*

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

*MSBA/MASA Model Policy 422*

*Orig. 1995*

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

*Rev. 2019*

## **422 POLICIES INCORPORATED BY REFERENCE**

### **PURPOSE**

Certain policies as contained in this policy reference manual are applicable to employees as well as to students. In order to avoid undue duplication, the school district provides notice by this section of the application and incorporation by reference of the following policies which also apply to employees:

<del>Model</del> Policy 102	Equal Educational Opportunity
<del>Model</del> Policy 103	Complaints – Students, Employees, Parents, Other Persons
<del>Model</del> Policy 206	Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations
<del>Model</del> Policy 211	Criminal or Civil Action Against School District, School Board Member, Employee, or Student
<del>Model</del> Policy 305	Policy Implementation
<del>Model</del> Policy 505	Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees
<del>Model</del> Policy 507	Corporal Punishment
<del>Model</del> Policy 510	Student Activities
<del>Model</del> Policy 511	Student Fundraising
<del>Model</del> Policy 517	Student Recruiting
<del>Model</del> Policy 518	DNR-DNI Orders
<del>Model</del> Policy 519	Interviews of Students by Outside Agencies
<del>Model</del> Policy 524	Internet Acceptable Use and Safety Policy
<del>Model</del> Policy 525	Violence Prevention
<del>Model</del> Policy 535	Service Animals in Schools
<del>Model</del> Policy 610	Field Trips
<del>Model</del> Policy 710	Extracurricular Transportation
<del>Model</del> Policy 711	Video Recording on School Buses
<del>Model</del> Policy 712	Video Surveillance Other Than on Buses
<del>Model</del> Policy 802	Disposition of Obsolete Equipment and Material

Employees are charged with notice that the above cited policies are also applicable to employees; however, employees are also on notice that

the provisions of the various policies speak for themselves and may be applicable although not specifically listed above.

### **Legal References:**

### **Cross References:**

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

*MSBA/MASA Model Policy 423*

*Orig. 1999*

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

*Rev. 2009*

## **423 EMPLOYEE-STUDENT RELATIONSHIPS**

### **I. PURPOSE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.
  - 2. The majority of the Site Professional Development Teams shall be teachers representing various grade levels, subject areas, and special education.

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\* This time period may be changed to accommodate individual school district needs.

### 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 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.

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\* This time period may be changed to accommodate individual school district needs.

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 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'

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\* This time period may be changed to accommodate individual school district needs.

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.

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\* This time period may be changed to accommodate individual school district needs.

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).

- 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:**



## ADDENDUM

### REGULAR BOARD MEETING Monday, May 16, 2022 SPCC-Governor's Room 6:30PM

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#### VIII. INFORMATION ITEMS

<b>3. AGENDA ITEM #3</b>
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**Subject:** School Board Election Filing Dates

**Background:** There is one School Board Member with a term expiring in 2022. That State of Minnesota has timelines and guidance that must be followed for this process. Publication and posting notification of filing periods is part of this process. The attached document provides the public with the required notification.

**Presentation:** Superintendent of Schools

**NOTICE OF FILING DATES FOR GENERAL ELECTION TO  
THE SCHOOL BOARD  
INDEPENDENT SCHOOL DISTRICT NO. 508  
SAINT PETER PUBLIC SCHOOLS  
STATE OF MINNESOTA**

**NOTICE IS HEREBY GIVEN** that the period for filing affidavits of candidacy for the office of school board member of Independent School District No. 508 shall begin August 2, 2022 at 8:00AM and shall close at 4:30PM on August 16, 2022.

The general election shall be held on Tuesday, **November 8, 2022**. At the general election, one (1) member will be elected to the School Board for a term of one (1) year.

Affidavits of Candidacy are available from the School District Clerk at 100 Lincoln Drive, Suite 229, Saint Peter, Minnesota. The filing fee for this office is \$2. A candidate for this office must be an eligible voter, must be 21 years of age or more on assuming office, must have been a resident of the school district from which the candidate seeks election for thirty (30) days before the general election, and must have no other affidavit on file for any other office at the same general election.

The affidavits of candidacy must be filed in the office of the School District Clerk and the filing fee paid prior to 4:30 PM on August 16, 2022.

Dated: May 16, 2022

BY ORDER OF THE SCHOOL BOARD

/s/ Charlie Potts, School District Clerk