

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138  
 NORTH BRANCH AREA EDUCATION CENTER, BOARD ROOM, ROOM C120  
 38705 GRAND AVENUE  
 NORTH BRANCH, MN 55056  
 REGULAR SCHOOL BOARD MEETING  
 JANUARY 12, 2023  
 5:45 PM**

**AGENDA**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Superintendent’s Report 4
- V. Removal of Consent Items for Discussion
- VI. Approval of Consent Items
  - A. Minutes of December 8, 2022 Policy Committee Meeting 19
  - B. Minutes of December 8, 2022 Regular School Board Meeting 20
  - C. Authorization of Payments, Transfers, and Investment Activity 25
  - D. Personnel
    - 1. Angela Cota, resignation effective December 20, 2022, as Custodian at North Branch Area Public Schools
    - 2. Sally Liljedahl, resignation effective December 22, 2022, as Lunchroom Assistant at North Branch Area High School
    - 3. Nicholas Hosch, resignation effective January 6, 2023, as SPED Assistant at North Branch Area Education Center
    - 4. Mark Billik, leave request effective November 30, 2022 through December 13, 2022, as Maintenance Specialist at North Branch Area Public Schools
    - 5. Jodi Johnson, leave request effective January 18, 2023 for approximately six weeks, as Second Grade Teacher at Sunrise River Elementary School
    - 6. Rebecca Golden, leave request effective February 1, 2023 through February 12, 2023, as Fourth Grade Teacher at Sunrise River Elementary School
    - 7. Hannah Heimer, BS, Step 1, LTS for Kirstin Perales, effective January 4, 2023 through June 9, 2023, as Fourth Grade Teacher at Sunrise River Elementary School
    - 8. Rachel Curtis, employment effective January 2, 2023, as Lunchroom/Playground Assistant at Sunrise River Elementary School
    - 9. Dana Johnson, position change effective January 1, 2023, from Instructional Support Secretary to Student Support Specialist at North Branch Area Public Schools
    - 10. 2022-23 Extra Curricular Winter Coach Positions
      - a. Justin Voss, Class 9, Step 10, as Weightroom Supervisor for Trimester 2
      - b. Joel Santjer, resign from Weightroom Supervisor for Trimester 2
    - 11. 2022-23 Activity Advisor Position
      - a. Madison Mench, Class 9, Step 1, as High School Assistant Knowledge Bowl Advisor

- E. Contract Between Independent School District No. 138, North Branch, and Patrick Geraghty, beginning January 2, 2023 to June 9, 2023 for Providing Teacher Services to the High School Elective Class Entitled Auto Mechanics, Advanced Auto Mechanics, Welding and Advanced Welding
- F. Acceptance of Donations 26  
 Minnesota Statute 123B.02 permits school boards to "...receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated. In that behalf, the board may act as trustee of any trust created for the benefit of the district, and for the benefit of pupils thereof."

Therefore, the Superintendent recommends the following resolution:

BE IT RESOLVED by the School Board of Independent School District No. 138 that the School Board accept with appreciation the following contributions and permit their use as designated by the donors.

- VII. **Open Mic:** Open mic is a time for public comment. However, it is not a means to have issues added to this evening's agenda. It is also not a means to discuss specific individuals negatively in public, either by name or position. If you would like district follow up to comments, please leave appropriate contact information on the open mic sign-in sheet. Please limit your comments to three minutes.
- VIII. Old Business
  - A. Consider Second Reading of 2023-24 School Calendar 27
  - B. Consider Second Reading of the Following Policies
    - 1. Policy 522 - Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process (Annual review. MSBA changes to references and language) 32
    - 2. Policy 616 - School District System Accountability (Annual review. MSBA changes to references and language) 47
    - 3. Policy 806 - Crisis Management Policy (Annual review. MSBA changes to references and language) 53
- IX. New Business
  - A. Consider First Reading of the Following Policies
    - 1. Policy 410 - Family and Medical Leave Policy (Annual review, MSBA changes) 61
    - 2. Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse (Annual review, MSBA changes) 69
    - 3. Policy 415 - Mandated Reporting of Maltreatment of Vulnerable Adults (Annual review, MSBA changes) 78
    - 4. Policy 503-NB - Attendance Policy 82
    - 5. Policy 534 - School Meals Policy (MSBA changes) 90
- X. Addendum
- XI. Information
  - A. Board & Administrator January 2023 Issue 94
- XII. Board Requests
- XIII. Committee Reports
- XIV. Dates to Remember

- A. Thursday, January 26, 2023, School Board Work Session, 5:30 pm, North Branch Area Education Center, Boardroom, C120
  - B. Thursday, February 9, 2023 Policy Committee Meeting, 4:30 pm, North Branch Area Education Center, Conference Room, B122
  - C. Thursday, February 9, 2023, Regular School Board Meeting, 5:30 pm, North Branch Area Education Center, Boardroom, Room C120
  - D. Thursday, February 23, 2023, School Board Work Session, 5:30 pm, North Branch Area Education Center, Boardroom, C120
- XV. Adjournment

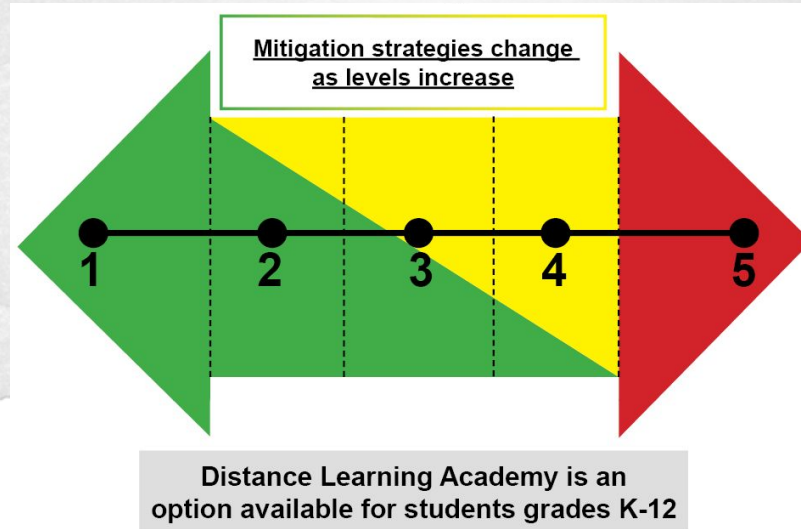
# Superintendent Update

January 12, 2023



# Safe Learning Continuum LEVEL FIVE Details

Updated January, 2023



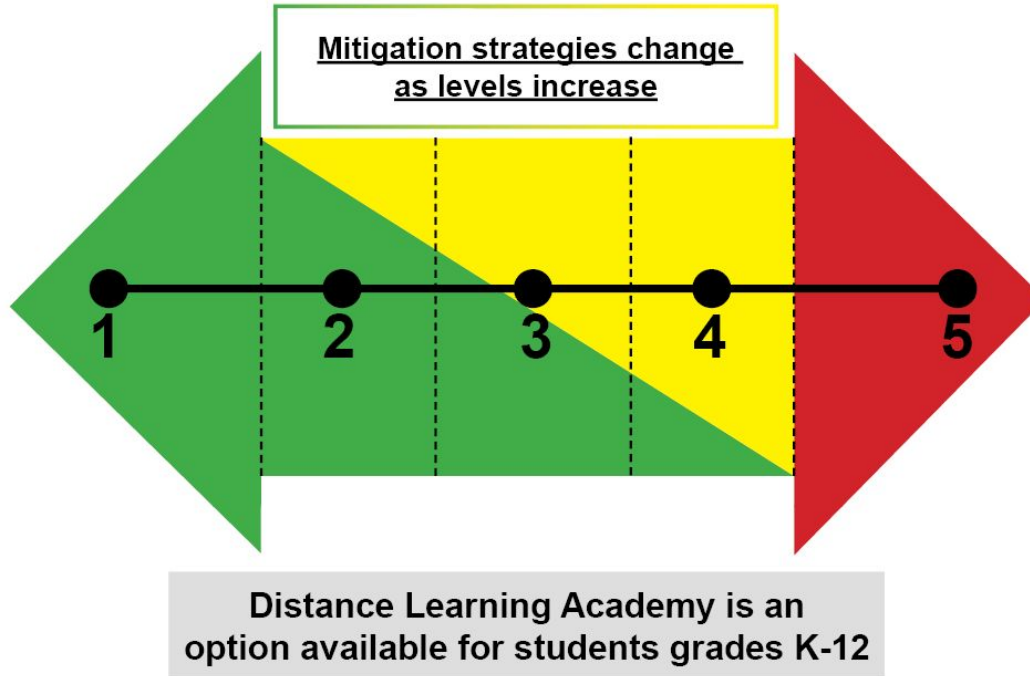
# Safe Learning Plan Priorities



Consistent with the NBAPS 2020-21 and 2021-22 Safe Learning Plans, in 2022-23 NBAPS will:

- Value flexibility and choice for families to decide what is best for each child: distance learning or 5-day, in-school option
- Prioritize health and wellness of students and staff
- Follow mutual commitments for procedures/protocols to mitigate risk
- Provide predictability of daily schedule, instructional model and learning environments
- Mobilize community engagement to gain perspectives from students, families, and staff members in a responsive, adaptable, and ongoing planning process
- Collaborate that shared the responsibility to maximize resources

# Safe Learning Continuum





## When would NBAPS use LEVEL 5

The purpose of Level Five is to maintain instructional momentum when emergencies disrupt the ability to provide in-person instruction.

Emergencies leading to a temporary shift to Level Five may include:

- Facilities system failures
  - Water main break
  - Power outage
- Significant spread of Influenza-like illnesses:
  - COVID-19
  - Influenza A and B
- Weather related closings (Weather cancellations may be designated as traditional “snow days” with no school in session). Virtual learning is an option to maintain instructional momentum and prevent extending the school year into June.

Safe learning levels adjusted as needed with multiple modes of communication to staff, students, parents, and community members



## Staff Availability

Teachers, administrators, and other licensed professionals will be available by email, phone (via voicemail), or through the grade-appropriate digital learning space. The [NBAPS staff directory](#) includes all district email addresses and voicemail extensions.

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Special Education students can expect to be contacted by their case manager to determine how they can support a successful e-learning day experience.



## Student attendance and activities

Parents may call the attendance line to notify the school of their student's absence. This absence will follow the same protocols as for an absence when students physically attend school.

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Student work on e-learning days will follow the building level guidelines. Not all e-learning activities will be graded. Graded activities will be allowed additional time for submission on a case-by-case basis. Students who need additional time because of limited internet access or other family responsibilities should contact their teacher for an extension.



## Level 5 Safe Learning Continuum: Overview of What to Expect

All instruction delivered remotely.

If situation persists over multiple days:

- On-site child-care may be offered.
- Some student supports may be offered onsite.

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# Kindergarten Recruitment/Enrollment Timeline





# Kindergarten Recruitment/Enrollment Timeline

## January/February Events

- Week of Jan. 9-13 Postcard invitation to Kindergarten Information Night mailed and posted to social media.
- January 27 - Enrollment “how-to” letters mailed.
- February 2 - Parent Information Night 6-7:30 pm & Online Registration Opens
- Begin Promoting Taste of K Event
- February 15 - 8am - 6:30 p.m. - K Online Enrollment Kick-Off and On-site Support

### Save the date!

Welcome Kindergarten  
Class of 2036!

Parent Information Night

Thursday, Feb. 2, 2023

6-7:30 pm, North Branch  
Area Education Center  
(38705 Grand Ave, NB)

Highlights Include:

- Kindergarten Offerings
- Building Tour
- Enrollment Process
- Childcare Provided





# Kindergarten Recruitment/Enrollment Timeline

## March/April Events

- March 1-3 Invitations mailed for Taste of Kindergarten Event
- March 2 - 4:30-6:30 p.m. - Preschool Grandparent Open House Event - Opportunity to showcase facility/offer online enrollment support to parents who attend.
- Throughout March - Promote Taste of Kindergarten Event through social media
- April 6 5:30-7:30 p.m. - Taste of Kindergarten Event
  - Meet K teachers, Craft Opportunities, Selfie Station, Free Viking Class of 2036 T-shirts/drawstring bags





# Kindergarten Recruitment/Enrollment Timeline

## May/June Events

- May 16-18 Preschool Parent/Teacher Conferences
  - Priority given to ensuring all our current prek students have enrollment plans for SY24 completed
  - On-site support for online enrollment
- May 23rd 5:30-7:30 p.m. Vehicle Fair Special Event (Public Event)
  - Opportunity to connect with public about preschool and kindergarten enrollment
- May 31st 6:30-7:15 Teddy Bear Band Performance and Family Picnic Night (Open to the Public)
  - Offer online registration support/appointments before the start of the event
  - Opportunity to connect with public about preschool and kindergarten enrollment
- June 6th and 7th - Viking Fun Run Days



# Community Education winter brochure online



- Winter brochure available online!
  - Shared multiple ways
    - Social media
    - Website
    - Viking newsletter
    - Announced at Chamber luncheon
    - QR code:



# College and Career Exploration and Decision Making



2023-2024  
North Branch Area High School  
**REGISTRATION GUIDE**



## Choice...Not Chance

The high school experience is all about transitioning from a teenager to a young adult. During this transition the ownership of choices that you make on a regular basis now shifts from the adults in your life to YOU! Successful people take time to reflect on their own strengths and interests. When you come to realize what these are, your future path becomes more clear. You no longer feel like school is something that is done TO YOU and something that you now have some ownership and control over. I like to call this "Choice, Not Chance".

In this registration guide you will find a blend of courses that you are required to take and a plethora of elective courses that you have the opportunity to take. Do not take this opportunity lightly, as you take ownership of your future. Here at NBAHS we have nearly 20 courses that you can earn college and high school credits at no cost to you. We also have a growing number of CTE courses that allow

you to learn specific career skills. Finally, we have an expanding Work Based Learning program called Viking Bridge where you can earn high school credits, get paid, AND get real life experience while interning with one of our dozens of local industry partners.

As educators our chief goal is to prepare each of you to be College and/or Career ready. If your career interest leads you to a 2 or 4 year institution, military or directly to the work force we have courses here at NBAHS to prepare you for that path. The choice is yours! Ask questions, seek advice, the future is right in front of you. seize it!

SKOLI!

Clint Link  
Principal NBAHS

- Students will receive registration guide and current transcript on January 19 - 20
- Students will receive instruction from a team of staff led by Principal and Asst. Principal in the Media Center during Flex
- Teachers, support staff, and administration will support students and families in identifying the courses they will select
- Students will select courses on February 6 - 7 in the media center during Flex with the support of staff led by Principal and Asst. Principal



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**FORWARD**

*Together*

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138**  
**NORTH BRANCH AREA EDUCATION CENTER, ROOM B122**  
**POLICY COMMITTEE MEETING**  
**December 8, 2022**

The Policy Committee met on Thursday, December 8, 2022 at 4:30 p.m. in Room B122 at the North Branch Area Education Center.

Members in Attendance: Tim MacMillan, Sarah Grovender, Kevin Bollman, Superintendent Paul, David Treichel, Todd Tetzlaff, and Arle Chambers

**Policies Discussed**

Policy 410 - Family and Medical Leave Policy (Annual review, MSBA changes)

Policy 410 was discussed and will be presented at the January 12 regular board meeting for a first reading.

Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse (Annual review, MSBA changes)

Policy 414 was discussed and will be presented at the January 12 regular board meeting for a first reading.

Policy 415 - Mandated Reporting of Maltreatment of Vulnerable Adults (Annual review, MSBA changes)

Policy 415 was discussed and will be presented at the January 12 regular board meeting for a first reading.

Policy 503-NB - Attendance Policy (Changes to this policy after First Reading)

The committee discussed the changes to Policy 503-NB.. The first reading will go to the school board for approval at the January 12 regular board meeting.

Policy 534 - School Meals Policy (MSBA changes)

Policy 534 was discussed and will be presented at the January 12 regular board meeting for a first reading.

The meeting concluded at 5:05 p.m.

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Clerk  
(Unapproved)

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138  
REGULAR SCHOOL BOARD MEETING  
NORTH BRANCH AREA EDUCATION CENTER, BOARDROOM  
DECEMBER 8, 2022**

The School Board of Independent School District 138 met in regular session on Thursday, December 8, 2022, at 5:30 p.m. in the Boardroom at the North Branch Area Education Center.

Board Chair MacMillan called the meeting to order.

Roll Call: Tim MacMillan, Sarah Grovender, Kevin Bollman, Heather Naegele, Jesse LaValla, Adam Trampe, and Superintendent Paul

Others in Attendance:

Denise Martin, John Wagner, Molly Whelan, Chad Johnson, Chris Johnson, Josh Kopp, Justin Voss, Kevin Grote, Lori Lavin, Mary Reedy, Todd Tetzlaff, Pat Tepoorten, and Arle Chambers

The Pledge of Allegiance was said by all.

Approval of Agenda:

Moved by Bollman, seconded by Trampe and carried unanimously to approve the agenda.

Recognition:

Board Chair MacMillan and Superintendent Paul presented Board Member Kevin Bollman with a school bell and thanked him for his service from January 2019-December 2022.

Below are the fall award recipients. View the coaches' videos at the following link:

<https://bit.ly/3l4rlf2>

- Boys Cross Country Award Recipients: Ethan Kester and Jordan Stumm
- Girls Cross Country Award Recipients: None
- Football Award Recipients: Vincent Boeck, Nickolas Bovitz, Loghan Croal, Joseph Donahue, Adam Johnstone, Jay Kramer, Owen Link, Zachary Monson, Preston Peterson, Jacob Robillard, Samuel Robillard, Tyler Schneidewind, Everett Thomsen, Jacob Tiegen, and Nolen Volner
- Boys Soccer Award Recipients: Jack Baker, Nickolas Bovitz, Drew Detzler, Chase Disrud, Jacob Edmonds, Chazz Johnson, Jace Sperry, and Carson Weber

- Girls Soccer Award Recipients: Madison Christopherson, Summer Fruth, Danna Garcia Velazquez, Ava Gerten, Mary Jennrich, Grace Johnson, Olivia Lorge, Ava Mohs, Drew Moryn, and Madison Whitman
- Girls Tennis Award Recipients: Hannah Bernier, Ashley Bistodeau, Jillian Horsfall, Katelyn Money, Grace Okuku, Nora Touissant, and Jadyn Volkman
- Volleyball Award Recipients: Johanna Bartkey, Sophia Benedict, Derrian Dick, Dakota Esget, Isabell Esget, Sarah Hedberg, Claire Husnik Alexia Kane, Chloe Lattimore, Jenna Minke, Hailey Notebaart, Asaysha Olson, and Rylee Ramberg

### **SUPERINTENDENT'S REPORT**

Superintendent Paul reported on the World's Best Workforce, the Middle School food drive, and the Monroe Crossing concert, which was held on December 2.

She talked about meeting Max Malmquist, local historian and North Branch alumni (1958). She also reported on three North Branch High School alumni that are thriving at Gustavus College, Alexander Blegen, Abby Schulte, and Joshua Newman, who were featured as part of the Gustavus Choir and Chapel Choir at the school's annual Christmas in Christ Chapel.

### **CONSENT ITEMS**

Moved by Bollman, seconded by Grovender and carried unanimously to approve the following consent items.

- A. Minutes of November 17, 2022 Policy Committee Meeting
- B. Minutes of November 17, 2022 Regular School Board Meeting
- C. Authorization of Payments, Transfers, and Investment Activity
  - Accounts Payable, Bank 07 – \$537,201.39
  - Auxiliary, Bank 12 - \$25,708.22
  - Payroll, Bank 13 - \$1,881,945.58
  - Scholarship, Bank 18 - \$0.00
  - High School Student Activities, Bank 31 - \$17,060.30
  - Middle School Student Activities, Bank 32 - \$0.00
- D. Personnel
  1. Paula Vaughn, retirement effective March 1, 2023, as District Accountant at North Branch Area Public Schools
  2. Michelle Dufault, retirement effective at the end of the 2022-23 school year, as Elementary Teacher at Sunrise River Elementary School

3. Michelle Trunk, retirement effective at the end of the 2022-23 school year, as Instructional Strategies Coach at North Branch Area Middle School
4. Ramona Wideen, extension of leave request effective November 28, 2022 through January 1, 2023, as Lead Custodian at Sunrise River Elementary School
5. Barbara Gray, leave request effective December 1, 2022 through February 28, 2023, as SPED Assistant at North Branch Area Middle School
6. Rebecca Whiting, BS, Step 1, effective October 17, 2022 through the end of the 2022-23 school year, for a Tier 1 License for Science Teacher at North Branch Area High School
7. Dawn White, MA+60, Step 8, beginning October 26, 2022 through the end of the 2022-23 school year, as 0.33 FTE Science Teacher at North Branch Area High School
8. Rachel Fox-Ledo, employment effective October 25, 2022, as Lunchroom/Playground Assistant at Sunrise River Elementary School
9. Keegan Frazier, employment effective October 31, 2022, as SPED Assistant at North Branch Area High School
10. Samantha Hoffman, employment effective November 3, 2022, as School Age Care Adult Assistant at North Branch Area Education Center
11. Lindsey Swartz, employment effective November 16, 2022, as SPED Assistant at North Branch Area High School
12. 2022-23 Extra Curricular Winter Coach Positions
  - a. Norm Nagel, Class 4, Step 3, as Assistant Coach for Gymnastics
  - b. Norm Nagel, Class 9, Step 10, as Weightroom Supervisor during the winter season

E. Acceptance of Donations

Date	Donation From	Donation To	Amount	Use
11/10/22	Alex Streater – NB, MN	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
11/17/22	Christopher Darst – NB, MN	NBHS Scholarship A/C	\$400.00	Scholarship Donation
11/18/22	North Branch Floral, LLC – NB, MN	NBHS	\$2,000.00	David Ramsey Curriculum Donation
11/18/22	Shaan Hilber – NB, MN	NBHS	\$90.00	Band & Choir Donation
11/23/22	VFW Post 6424 – NB, MN	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
11/30/22	Shaan Hilber – NB, MN	NBHS	\$60.00	Band & Choir Donation
		<b>TOTAL</b>	<b>\$4,550.00</b>	
Nov 2022	Anonymous	Sunrise River Elem	Received \$75 in County Market gift cards – given to families in need	

**OPEN MIC**

No one signed up for open mic.

## **OLD BUSINESS**

### **A. 2022-23 School Calendar**

Superintendent Paul reported that some questions were raised regarding the 2022-23 school calendar but no revisions will be made to the calendar.

### **B. Approval of Second Reading of the Following Policies**

Moved by Trampe, seconded by Grovender and carried unanimously to approve the first reading of the following policies:

1. Policy 413 - Harassment and Violence (Annual review, no changes)
2. Policy 506-NB - Student Discipline (Annual review. MSBA changes to references and language)
3. Policy 514 - Bullying Prohibition Policy (Annual review. MSBA changes to references and language)

## **NEW BUSINESS**

### **A. Approval of Acceptance of Audit Report for FY2022**

Mary Reedy, lead auditor from CliftonLarsonAllen briefed the board on the audit stating that overall the audit went very well and reported a clean audit. Moved by Trampe, seconded by Bollman and carried unanimously to approve the audit report for FY2022.

### **B. Approval of Certification of Property Tax Levy 2022, Payable 2023 in the Amount of \$10,051,361.35**

Todd Tetzalff, Director of Finance and Human Resources, reviewed the Property Tax Levy 2022, payable 2023. The public were welcome to ask questions.

Moved by Bollman, seconded by LaValla and carried unanimously to approve the certification of the 2022 payable 2023 property tax levy in the amount of \$10,051,361.35.

### **C. Approval of First Reading of the Following Policies**

Moved by Trampe, seconded by LaValla and carried unanimously to approve the first reading of the following policies:

1. Policy 522 - Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process (Annual review. MSBA changes to references and language)
2. Policy 616 - School District System Accountability (Annual review. MSBA changes to references and language)
3. Policy 806 - Crisis Management Policy (Annual review. MSBA changes to references and language)

D. Approval of First Reading of 2023-24 Draft School Calendar

Moved by Bollman, seconded by Trampe and carried unanimously to approve the first reading of the 2023-24 draft school calendar.

**INFORMATION**

The board reviewed the December 2022 issue of the Board and Administrator.

**BOARD REQUESTS**

None

**COMMITTEE REPORTS**

None

**DATES TO REMEMBER**

- A. January 12, 2023 Policy Committee Meeting, 4:30 pm, North Branch Area Education Center, Conference Room, B122
- B. January 12, 2023 Organizational Meeting, 5:30 pm, North Branch Area Education Center, Boardroom, C120
- C. January 12, 2023 Regular School Board Meeting, immediately following the Organizational Meeting, North Branch Area Education Center, Boardroom, C120
- D. January 26, 2023, School Board Work Session, 5:30 pm, North Branch Area Education Center, Boardroom, C120

Adjournment

Moved by Bollman, seconded by LaValla and carried unanimously to adjourn the regular meeting at 7:02 p.m.

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Clerk  
(Unapproved)

**ELECTRONIC FUND TRANSFERS**  
**December 2022**

Direct Dep Cks		\$1,583,795.97	
ACHS		<u>\$12,181.74</u>	
		<b>\$1,595,977.71</b>	
Other Electronic Fund Transfers:			
Federal/FICA Taxes	12/5/2022		\$70,391.40
(Also reflected in P/R info)	12/5/2022		\$98,953.50
	12/19/2022		\$67,057.56
	12/19/2022		<u>\$130,412.29</u>
			<b>\$366,814.75</b>
Minnesota Withholding Taxes	12/6/2022		\$11,947.83
(Also reflected in P/R info)	12/6/2022		\$17,277.62
	12/19/2022		\$576.28
	12/20/2022		\$11,090.78
	12/20/2022		<u>\$22,957.83</u>
			<b>\$63,850.34</b>
Economic Service (EBC)	12/5/2022		\$10,113.96
(Also reflected in P/R info)	12/5/2022		\$23,697.33
	12/19/2022		\$25,197.99
	12/20/2022		<u>\$11,238.98</u>
			<b>\$70,248.26</b>
MII LIFE-F S A	PEIP	12/6/2022	\$16.68
	PEIP	12/6/2022	\$741.82
	PEIP	12/9/2022	\$240.00
	PEIP	12/13/2022	\$25.13
	PEIP	12/13/2022	\$1,418.54
	PEIP	12/13/2022	\$40.00
	PEIP	12/14/2022	\$120.53
	PEIP	12/20/2022	\$83.18
	PEIP	12/23/2022	\$57.35
	PEIP Admin Fee	12/27/2022	\$414.00
	PEIP	12/27/2022	\$329.17
	PEIP	12/28/2022	<u>\$673.52</u>
			<b>\$4,159.92</b>
MII LIFE-M S A		12/5/2022	\$2,228.83
		12/5/2022	\$4,424.34
		12/19/2022	\$124.90
		12/19/2022	\$3,047.45
		12/20/2022	\$1,376.81
		12/20/2022	<u>\$2,226.21</u>
			<b>\$13,428.54</b>
Minnesota Teachers Retirement		12/2/2022	\$8,772.50
		12/2/2022	\$69,917.86
		12/16/2022	\$89,075.88
		12/19/2022	\$8,655.88
		12/30/2022	\$8,477.17
		12/30/2022	<u>\$68,060.54</u>
			<b>\$252,959.83</b>
PERA		12/2/2022	\$36,296.10
		12/19/2022	\$33,949.91
		12/30/2022	<u>\$33,471.14</u>
			<b>\$103,717.15</b>
Delta Dental Plan		12/21/2022	<b>\$9,500.07</b>
MN Sales Tax		12/21/2022	<b>\$56.00</b>

DECEMBER 2022

DATE	DONATION FROM	DONATION TO	AMOUNT	USE
12/8/22	Julie Anderson, 32126 Hornsby St NE, North Branch, MN 55056	NBHS Athletics	\$60.00	FTC Program Donation
12/8/22	Anonymous	NBHS Athletics	\$90.00	FTC Program Donation
12/8/22	Anonymous-Arts Fest Door	NBHS Athletics	\$601.27	FTC Program Donation
12/8/22	Jessica Denning, 13857 Redwood St NW, Andover, MN 55304	NBHS Athletics	\$100.00	FTC Program Donation
12/8/22	Maureen Puziewicz, 9955 468th St, Harris, MN 55032	NBHS Athletics	\$100.00	FTC Program Donation
12/8/22	Revive Chiropractic., P.O. Box 94, North Branch, MN 55056	NBHS Athletics	\$100.00	FTC Program Donation
12/8/22	Sara Smit, 38219 Mica Ave, North Branch, MN 55056	NBHS Athletics	\$50.00	FTC Program Donation
12/14/22	Almelund Lions Club, 15050 410th St, North Branch, MN 55056	NBHS Scholarship A/C	\$500.00	Scholarship Donation
12/14/22	B.P.S. Incorporated, 314 State Rd 35, Osceola, WI 54020-4109	NBHS Athletics	\$1,500.00	Wrestling Program Donation
12/14/22	North Branch Fire Relief Assoc., P.O. Box 245, North Branch, MN 55056	NBHS Athletics	\$2,500.00	Clay Target Program Donation
12/14/22	VFW Post 6424, P.O. Box 373, North Branch, MN 55056	NBHS Athletics	\$1,000.00	JROTC Program Donation
12/21/22	North Branch Fire Relief Assoc., P.O. Box 245, North Branch, MN 55056	NBHS Athletics	\$1,000.00	Boys Basketball Program Donation
12/21/22	Stacy Lent Fire Dept. Relief Assn, P.O. Box 123, Stacy, MN 55079	NBHS Scholarship A/C	\$10,000.00	Scholarship Donation
12/28/22	Shaan Hilber, 37687 Elk Ave, North Branch, MN 55056	NBHS	\$60.00	Music 50/50 split (Band & Choir) Department Donation
			<b>\$17,661.27</b>	



DRAFT

# 2023-24 School Calendar

Making calendar decisions is one critical element of designing for student success



# Calendar Process

As an Independent School District, we have the responsibility to annually draft school calendars.

Our calendar review process includes collaboration across employee groups and incorporating feedback from parents, followed by a first and second public reading before final board approval.



# Strategic Calendar Decisions to Maximize Learning

## Parent/teacher connections:

Adjusted conference dates to be aligned across buildings

## Setting students up for success:

Shifted a professional development day from March to May to prioritize review of spring data and to conduct transition meetings/discussions

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## **Additional Changes after 1st Reading of Draft Calendar**

### Adjustment to Professional Development Day

Shifted a professional development day to Jan 2  
Allows families one more vacation day over Christmas Break

### Welcome Days offered before and after Labor Day

Responsive to parent feedback  
Allows for three days of school the first week after Labor Day





# Timeline for Approval

First Reading: December 8, 2022

Second Reading: January 12, 2023

[Draft 2023-24 Calendar](#)

# NBAPS August 2023 - July 2024 DRAFT 12.04.22, Revised 1/11/23

The School Board reserves the right to adjust the school calendar based upon legislation related to education when it is available. School district calendars will be finalized in December of each year for the following school year. Winter Break and Spring Break will remain at predictable times of the school year. Calendar days identified as Professional Development may be adjusted if needed. The classified staff professional development days will be determined on a yearly basis.

August '23						
S	M	T	W	T	F	S
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27	28	29	30	31		

September '23						
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October '23						
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December '23						
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January '24						
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February '24						
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March '24						
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April '24						
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May '24						
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June '24						
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July '24						
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28	29	30	31			

-  First Day of School K-8 / Last Day of School K-12  
CCSLWC in session
-  New Teacher Workshop
-  Welcome Back Conferences K-8  
High School Welcome Back Events  
ALC/DLA Welcome Back Events
-  Professional Development Day (No School)
-  New and 2nd Year Teacher Workshop
-  School Closed/Holiday
-  Welcome Back Conferences K - 8  
9th Grade Orientation  
CCSLWC Orientation  
ALC/DLA Welcome Back Events
-  Graduation
-  Last Day of Semester 1

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

MSBA/MASA Model Policy 522

Orig. 1995

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

Rev. 2022

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

### **I. GENERAL STATEMENT OF POLICY**

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

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

**Todd Tetzlaff, Director of Finance and Human Resources, (651) 674-1009, 38705 Grand Avenue, MN 55056, ttetzlaf@isd138.org**

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

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

### **II. DEFINITIONS**

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the

only official of the school district with actual knowledge is the respondent.

- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- E. "Education program or activity" means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- F. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.
  - 1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
  - 2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- G. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- H. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- I. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.

- J. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- K. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
  2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
  3. Any instance of sexual assault (as defined in the Clery Act, 20 [United States Code section U.S.C. 1092\(f\)\(6\)A\(v\)](#)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 [United States Code section U.S.C. 12291](#)).
- L. "Supportive measures" means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under [Minnesota Statutes section Minn. Stat. 121A.41](#), as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.
- M. "Title IX Personnel" means any person who addresses, works on, or assists with the school district's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
1. "Title IX Coordinator" means an employee of the school district that coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
  2. "Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.
  3. "Decision-maker" means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot

be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.

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

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

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

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

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

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

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

~~D.~~ Confidentiality

D.

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

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

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

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

F. Notice

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

G. Consolidation

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

H. Evidence

1. During the grievance process, the school district will not require, allow, rely

upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

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

I. Burden of Proof

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

J. Timelines

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

K. Potential Remedies and Disciplinary Sanctions

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

monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.

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

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

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

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

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district’s ability to provide the supportive measures. The Title IX Coordinator is responsible for

coordinating the effective implementation of supportive measures.

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

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

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

special education student or Section 504 student on an emergency basis.

B. Employee Administrative Leave

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

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

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

**VIII. DISMISSAL OF A FORMAL COMPLAINT**

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
  - 1. Would not meet the definition of sexual harassment, even if proven;
  - 2. Did not occur in the school district's education program or activity; or
  - 3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
  - 1. The complainant informs the Title IX Coordinator in writing that the complainant

- desires to withdraw the formal complaint or allegations therein;
2. The respondent is no longer enrolled or employed by the school district; or
  3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.
- C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

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

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

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

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

## **XI. APPEALS**

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

## **XII. RETALIATION PROHIBITED**

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

shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **XIII. TRAINING**

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

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

- A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
  - 1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
  - 2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;

3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

**XV. RECORDKEEPING**

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

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
 Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments ~~of 1972~~)  
 34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
 20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education ~~Improvement Act of 2004~~)  
 29 U.S.C. § 794 (Section 504 of the Rehabilitation Act ~~of 1973~~)  
 42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act ~~of 1990, as amended~~)

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and  
Campus Crime Statistics Act ("Clery Act"))

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

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

MSBA/MASA Model Policy 616

Orig. 1997

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

Rev. 202219

## **616 SCHOOL DISTRICT SYSTEM ACCOUNTABILITY**

### **I. PURPOSE**

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

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

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

### **III. DEFINITIONS**

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

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

#### **A. School District Goals**

- 1. The school board has established school district-wide goals ~~which that~~ provide broad direction for the school district. Incorporated in these goals are the graduation and education standards contained in the Minnesota K-12 Academic Standards and federal law. The broad goals shall be reviewed annually and approved by the school board. The school board shall adopt annual goals based on the recommendations of the school district's Advisory Committee.
- 2. The Advisory Committee ~~is will be~~ established by the school board to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards.

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

B. System for Reviewing All Instruction and Curriculum. Incorporated in the process will be analysis of the school district's progress toward implementation of the Minnesota Academic Standards. Instruction and curriculum shall be reviewed and evaluated by taking into account strategies and best practices, student outcomes, principal evaluations under ~~Minn. Stat. §Minnesota Statutes section~~ 123B.147, ~~Subd. 3~~, and teacher evaluations under ~~Minn. Stat. §Minnesota Statutes section~~ 122A.40, ~~Subd. 8~~, or 122A.41, ~~Subd. 5~~.

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

Phase 1: Study – teachers work in collaborative planning teams (grade level, vertical or departmental) to critically examine and discuss the learning expectations from local, state, and/or national standards.

Phase 2: Select – collaborative planning teams research and select instructional strategies and resources for enhancing learning as described in the standards.

Phase 3: Plan – collaborative planning teams work together to formally plan a lesson incorporating the selected strategies, and agree on the type of student work each teacher will analyze as evidence of student learning.

Phase 4: Implement – teachers teach the planned lesson, make note of implementation success and challenges, and gather the agreed-upon evidence of student learning.

Phase 5: Analyze – teachers gather again in collaborative teams to examine student work and discuss student understanding of the standards.

Phase 6: Adjust – collaborative teams reflect on the implications of the analysis of student work. Teachers discuss alternative instructional strategies or modifications to the original instructional strategy that may be better suited to promoting student learning.

C. Implementation of Graduation Requirements

1. The Advisory Committee shall also advise the school board on implementation of the state and local graduation requirements, including K-12 curriculum, assessment, student learning opportunities, and other related issues. Recommendations of the Advisory Committee shall be published annually to the community. The school board shall receive public input and comment and shall adopt or update this policy at least annually.
2. The school board shall annually review and determine if student achievement levels at each school site meet federal expectations. If the school board determines that student achievement levels at a school site do not meet federal

expectations and the site has not made adequate yearly progress for two consecutive school years, the Advisory Committee shall work with the school site to adopt a plan to raise student achievement levels to meet federal expectations. The Advisory Committee may seek assistance from the Commissioner of the Minnesota Department of Education (MDE) (Commissioner) in developing a plan which must include parental involvement components.

3. The educational assessment system component utilized by the school board to measure individual students' educational progress must be based, to the extent annual tests are administered, on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. The school board will utilize models developed by the Commissioner for measuring individual student progress. The school board must coordinate with MDE in evaluating school sites and continuous improvement plans, consistent with best practices.

D. Comprehensive Continuous Improvement of Student Achievement

1. By [October 31](#) of each year, the Advisory Committee will meet to advise and assist the school district in the implementation of the school district system accountability and comprehensive continuous improvement process.
2. The Advisory Committee, working in cooperation with other committees of the school district, will provide active community participation in:
  - a. Reviewing the school district instructional and curriculum plan, with emphasis on implementing the Minnesota [K-12 Academic Standards](#);
  - b. Identifying annual instruction and curriculum improvement goals for recommendation to the school board;
  - c. Making recommendations regarding the evaluation process that will be used to measure school district progress toward its goals; [and](#),
  - d. Advising the school board about development of the annual budget.
3. The Advisory Committee shall meet the following criteria:
  - a. The Advisory Committee shall ensure active community participation in all planning for instruction and curriculum affecting Graduation Standards.
  - b. The Advisory Committee shall make recommendations to the school board on school district-wide standards, assessments, and program evaluation.
  - c. Building teams may be established as subcommittees to develop and implement an education effectiveness plan and to carry out methods to improve instruction, curriculum, and assessments as well as methods to use technology in meeting the school district improvement plan.
  - d. A local plan to evaluate student progress, using a local process, shall be

used for developing a plan for assessment of student progress toward the Graduation Standards, as well as program evaluation data for use by the Advisory Committee in the instruction and curriculum review process. This plan shall annually be approved by the school board.

4. The Advisory Committee shall, when possible, be comprised of at least two-thirds community representatives and shall reflect the diversity of the community. To the extent possible, the Advisory Committee shall reflect the diversity of the school district and its school sites and include teachers, parents, support staff, students, and other community residents. Included in its membership should be:
    - a. The Director of Curriculum (or similar educational leader)
    - b. Principal
    - c. School Board Member
    - d. Student Representative
    - e. One teacher from each building or instructional level
    - f. Two parents from each building or instructional level
    - g. Two residents without school-aged children, non-representative of local business or industry
    - h. Two residents representative of local business or industry
    - i. District Assessment Coordinator (if different from "a." above)
  5. Translation services should be provided to the extent appropriate and practicable.
  6. The Advisory Committee shall meet the following timeline each year:
    - Month: Organizational meeting of the Committee to review the authorizing legislation and the roles and responsibilities of the Committee as determined by the school board.
    - Month(s): Agree on the process to be used. Become familiar with the instruction and curriculum of the cycle content area.
    - Month(s): Review evaluation results and prepare recommendations.
    - Month: Present recommendations to the school board for its input and approval.
- E. Evaluation of Student Progress Committee. A committee of professional staff shall develop a plan for assessment of student progress toward Literacy by Grade 3, the Graduation Standards, as well as program evaluation data for use by the Advisory Committee to review instruction and curriculum, cultural competencies, including

cultural awareness and cross-cultural communication, and student achievement at the school site. This plan shall annually be approved by the school board.

F. Reporting

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

**Legal References:**

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

**Cross References:**

MSBA/MASA Model Policy 104 (School District Mission Statement)

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

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

MSBA/MASA Model Policy 806

Orig. 1999

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

Rev. 202214

## **806 CRISIS MANAGEMENT POLICY**

### **I. PURPOSE**

The purpose of this Model Crisis Management Policy is to act as a guide for school district and building administrators, school employees, students, school board members, and community members to address a wide range of potential crisis situations in the school district. For purposes of this Policy, the term, "school districts," shall include charter schools. The step-by-step procedures suggested by this Policy will provide guidance to each school building in drafting crisis management plans to coordinate protective actions prior to, during, and after any type of emergency or potential crisis situation. Each school district should develop tailored building-specific crisis management plans for each school building in the school district, and sections or procedures may be added or deleted in those crisis management plans based on building needs.

The school district will, to the extent possible, engage in ongoing emergency planning within the school district and with emergency responders and other relevant community organizations. The school district will ensure that relevant emergency responders in the community have access to their building-specific crisis management plans and will provide training to school district staff to enable them to act appropriately in the event of a crisis.

### **II. GENERAL INFORMATION**

#### **A. The Policy and Plans**

The school district's Crisis Management Policy has been created in consultation with local community response agencies and other appropriate individuals and groups that would likely be involved in the event of a school emergency. It is designed so that each building administrator can tailor a building-specific crisis management plan to meet that building's specific situation and needs.

The school district's administration and/or the administration of each building shall present tailored building-specific crisis management plans to the school board for review and approval. The building-specific crisis management plans will include general crisis procedures and crisis-specific procedures. Upon approval by the school board, such crisis management plans shall be an addendum to this Crisis Management Policy. This Policy and the plans will be maintained and updated on an annual basis.

#### **B. Elements of the District Crisis Management Policy**

1. General Crisis Procedures. The Crisis Management Policy includes general crisis procedures for securing buildings, classroom evacuation, building evacuation, campus evacuation, and sheltering. The Policy designates the individual(s) who will determine when these actions will be taken. These district-wide procedures may be modified by building administrators when creating their building-specific crisis management plans. A communication system will be in place to enable the designated individual to be contacted at all times in the event of a potential crisis, setting forth the method to contact the designated individual, the provision of at least two designees when the contact person is unavailable, and the method to convey contact information to the appropriate staff persons. The alternative designees may include members of the emergency first responder

response team. A secondary method of communication should be included in the plan for use when the primary method of communication is inoperable. Each building in the school district will have access to a copy of the Comprehensive School Safety Guide (2011 Edition) to assist in the development of building-specific crisis management plans.

All general crisis procedures will address specific procedures for the safe evacuation of children and employees with special needs such as physical, sensory, motor, developmental, and mental health challenges.

a. Lock-Down Procedures. Lock-down procedures will be used in situations where harm may result to persons inside the school building, such as a shooting, hostage incident, intruder, trespass, disturbance, or when determined to be necessary by the building administrator or his or her designee. The building administrator or designee will announce the lock-down over the public address system or other designated system. Code words will not be used. Provisions for emergency evacuation will be maintained even in the event of a lock-down. Each building administrator will submit lock-down procedures for their building as part of the building-specific crisis management plan.

b. Evacuation Procedures. Evacuations of classrooms and buildings shall be implemented at the discretion of the building administrator or his or her designee. Each building's crisis management plan will include procedures for transporting students and staff a safe distance from harm to a designated safe area until released by the building administrator or designee. Safe areas may change based upon the specific emergency situation. The evacuation procedures should include specific procedures for children with special needs, including children with limited mobility (wheelchairs, braces, crutches, etc.), visual impairments, hearing impairments, and other sensory, developmental, or mental health needs. The evacuation procedures should also address transporting necessary medications for students that take medications during the school day.

c. Sheltering Procedures. Sheltering provides refuge for students, staff, and visitors within the school building during an emergency. Shelters are safe areas that maximize the safety of inhabitants. Safe areas may change based upon the specific emergency. The building administrator or his or her designee will announce the need for sheltering over the public address system or other designated system. Each building administrator will submit sheltering procedures for his or her building as part of the building-specific crisis management plan.

2. Crisis-Specific Procedures. The Crisis Management Policy includes crisis-specific procedures for crisis situations that may occur during the school day or at school-sponsored events and functions. These district-wide procedures are designed to enable building administrators to tailor response procedures when creating building-specific crisis management plans.

### 3. School Emergency Response Teams

a. Composition. The building administrator in each school building will select a school emergency response team that will be trained to respond to emergency situations. All school emergency response team members

will receive on-going training to carry out the building's crisis management plans and will have knowledge of procedures, evacuation routes, and safe areas. For purposes of student safety and accountability, to the extent possible, school emergency response team members will not have direct responsibility for the supervision of students. Team members must be willing to be actively involved in the resolution of crises and be available to assist in any crisis situation as deemed necessary by the building administrator. Each building will maintain a current list of school emergency response team members which will be updated annually. The building administrator, and his or her alternative designees, will know the location of that list in the event of a school emergency. A copy of the list will be kept on file in the school district office, or in a secondary location in single building school districts.

- b. Leaders. The building administrator or his or her designee will serve as the leader of the school emergency response team and will be the primary contact for emergency response officials. In the event the primary designee is unavailable, the designee list should include more than one alternative designee and may include members of the emergency response team. When emergency response officials are present, they may elect to take command and control of the crisis. It is critical in this situation that school officials assume a resource role and be available as necessary to emergency response officials.

### **III. PREPARATION BEFORE AN EMERGENCY**

#### **A. Communication**

1. District Employees. Teachers generally have the most direct contact with students on a day-to-day basis. As a result, they must be aware of their role in responding to crisis situations. This also applies to non-teaching school personnel who have direct contact with students. All staff shall be aware of the school district's Crisis Management Policy and their own building's crisis management plan. Each school's building-specific crisis management plan shall include the method and dates of dissemination of the plan to its staff. Employees will receive a copy of the relevant building-specific crisis management plans and shall receive periodic training on plan implementation.
2. Students and Parents. Students and parents shall be made aware of the school district's Crisis Management Policy and relevant tailored crisis management plans for each school building. Each school district's building-specific crisis management plan shall set forth how students and parents are made aware of the district and school-specific plans. Students shall receive specific instruction on plan implementation and shall participate in a required number of drills and practice sessions throughout the school year.

#### **B. Planning and Preparing for Fire**

- ~~1.~~ 1. Designate a safe area at least 50 feet away from the building to enable students and staff to evacuate. The safe area should not interfere with emergency responders or responding vehicles and should not be in an area where evacuated persons are exposed to any products of combustion. (Depending on the wind direction, where the building on fire is located, the direction from which the fire is arriving, and the location of fire equipment, the

distance may need to be extended.)

2. Each building's facility diagram and site plan shall be available in appropriate areas of the building and shall identify the most direct evacuation routes to the designated safe areas both inside and outside of the building. The facility diagram and site plan must identify the location of the fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs.
3. Teachers and staff will receive training on the location of the primary emergency evacuation routes and alternate routes from various points in the building. During fire drills, students and staff will practice evacuations using primary evacuation routes and alternate routes.
4. Certain employees, such as those who work in hazardous areas in the building, will receive training on the locations and proper use of fire extinguishers and protective clothing and equipment.
5. Fire drills will be conducted periodically without warning at various times of the day and under different circumstances, e.g., lunchtime, recess, and during assemblies. State law requires a minimum of five fire drills each school year, consistent with [Minnesota Statutes section Minn. Stat. § 299F.30](#). See [Minnesota Statutes section Minn. Stat. § 121A.035](#).
6. A record of fire drills conducted at the building will be maintained in the building administrator's office.
7. The school district will have prearranged sites for emergency sheltering and transportation as needed.
8. The school district will determine which staff will remain in the building to perform essential functions if safe to do so (e.g., switchboard, building engineer, etc.). The school district also will designate an administrator or his or her designee to meet local fire or law enforcement agents upon their arrival.

C. Facility Diagrams and Site Plans

All school buildings will have a facility diagram and site plan that includes the location of primary and secondary evacuation routes, exits, designated safe areas inside and outside of the building, and the location of fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs. All facility diagrams and site plans will be updated regularly and whenever a major change is made to a building. Facility diagrams and site plans will be maintained by the building administrator and will be easily accessible and on file in the school district office. Facility diagrams and site plans will be provided to first responders, such as fire and law enforcement personnel.

D. Emergency Telephone Numbers

Each building will maintain a current list of emergency telephone numbers and the names and addresses of local, county, and state personnel who may be involved in a crisis situation. The list will include telephone numbers for local police, fire, ambulance, hospital, the Poison Control Center, county and state emergency management agencies, local public works departments, local utility companies, the public health nurse, mental health/suicide hotlines, and the county welfare agency. A copy of this list will be kept on file in the school district office, or at a secondary location for single building school districts, and will be updated annually.

School district employees will receive training on how to make emergency contacts, including 911 calls, when the school district's main telephone number and location is

electronically conveyed to emergency personnel instead of the specific building in need of emergency services.

School district plans will set forth a process to internally communicate an emergency, using telephones in classrooms, intercom systems, or two-way radios, as well as the procedure to enable the staff to rapidly convey emergency information to a building designee. Each plan will identify a primary and secondary method of communication for both internal and secondary use. It is recommended that the plan include several methods of communication because computers, intercoms, telephones, and cell phones may not be operational or may be dangerous to use during an emergency.

E. Warning and Notification Systems

The school district shall maintain a warning system designed to inform students, staff, and visitors of a crisis or emergency. This system shall be maintained on a regular basis under the maintenance plan for all school buildings. The school district should consider an alternate notification system to address the needs of staff and students with special needs, such as vision or hearing.

The building administrator shall be responsible for informing students and employees of the warning system and the means by which the system is used to identify a specific crisis or emergency situation. Each school's building-specific crisis management plan will include the method and frequency of dissemination of the warning system information to students and employees.

F. Early School Closure Procedures

The superintendent will make decisions about closing school or buildings as early in the day as possible. The early school closure procedures will set forth the criteria for early school closure (e.g., weather-related, utility failure, or a crisis situation), will specify how closure decisions will be communicated to staff, students, families, and the school community (designated broadcast media, local authorities, e-mail, or district or school building web sites), and will discuss the factors to be considered in closing and reopening a school or building.

Early school closure procedures also will include a reminder to parents and guardians to listen to designated local radio and TV stations for school closing announcements, where possible.

G. Media Procedures

The superintendent has the authority and discretion to notify parents or guardians and the school community in the event of a crisis or early school closure. The superintendent will designate a spokesperson who will notify the media in the event of a crisis or early school closure. The spokesperson shall receive training to ensure that the district is in strict compliance with federal and state law relative to the release of private data when conveying information to the media.

H. Behavioral Health Crisis Intervention Procedures

Short-term behavioral health crisis intervention procedures will set forth the procedure for initiating behavioral health crisis intervention plans. The procedures will utilize available resources including the school psychologist, counselor, community behavioral health crisis intervention, or others in the community. Counseling procedures will be used whenever the superintendent or the building administrator determines it to be necessary, such as after an assault, a hostage situation, shooting, or suicide. The behavioral health crisis intervention procedures shall include the following steps:

1. Administrator will meet with relevant persons, including school psychologists and counselors, to determine the level of intervention needed for students and staff.

2. Designate specific rooms as private counseling areas.
3. Escort siblings and close friends of any victims as well as others in need of emotional support to the counseling areas.
4. Prohibit media from interviewing or questioning students or staff.
5. Provide follow-up services to students and staff who receive counseling.
6. Resume normal school routines as soon as possible.

I. Long-Term Recovery Intervention Procedures

Long-term recovery intervention procedures may involve both short-term and long-term recovery planning:

1. Physical/structural recovery.
2. Fiscal recovery.
3. Academic recovery.
4. Social/emotional recovery.

**IV. SAMPLE PROCEDURES INCLUDED IN THIS POLICY**

Sample procedures for the various hazards/emergencies listed below are attached to this Policy for use when drafting specific crisis management plans. Additional sample procedures may be found in the Response section of the *Comprehensive School Safety Guide* (2011 Edition). After approval by the school board, an adopted procedure will become an addendum to the Crisis Management Policy.

- A. Fire
- B. Hazardous Materials
- C. Severe Weather: Tornado/Severe Thunderstorm/Flooding
- D. Medical Emergency
- E. Fight/Disturbance
- F. Assault
- G. Intruder
- H. Weapons
- I. Shooting
- J. Hostage
- K. Bomb Threat
- L. Chemical or Biological Threat
- M. Checklist for Telephone Threats
- N. Demonstration

- O. Suicide
- P. Lock-down Procedures
- Q. Shelter-In-Place Procedures
- R. Evacuation/Relocation
- S. Media Procedures
- T. Post-Crisis Procedures
- U. School Emergency Response Team
- V. Emergency Phone Numbers
- W. Highly Contagious Serious Illness or Pandemic Flu

**V. MISCELLANEOUS PROCEDURES**

A. Chemical Accidents

Procedures for reporting chemical accidents shall be posted at key locations such as chemistry labs, art rooms, swimming pool areas, and janitorial closets.

B. Visitors

The school district shall implement procedures mandating visitor sign in and visitors in school buildings. See MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites).

The school district shall implement procedures to minimize outside entry into school buildings except at designated check-in points and assure that all doors are locked prior to and after regular building hours.

C. Student Victims of Criminal Offenses at or on School Property

The school district shall establish procedures allowing student victims of criminal offenses on school property the opportunity to transfer to another school within the school district.

~~D. Radiological Emergencies at Nuclear Generating Plants [OPTIONAL]~~

~~School districts within a 10-mile radius of the Monticello or Prairie Island nuclear power plants will implement crisis plans in the event of an accident or incident at the power plant.~~

~~Questions relative to the creation or implementation of such plans will be directed to the Minnesota Department of Public Safety.~~

**Legal References:**

- Minn. Stat. Ch. 12 (Emergency Management)
- Minn. Stat. Ch. 12A (Natural Disaster; State Assistance)
- Minn. Stat. § 121A.035 (Crisis Management Policy)
- Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)
- Minn. Stat. § 299F.30 (Fire Drill in School; Doors and Exits)
- Minn. Stat. § 326B.02, Subd. 6 (Powers)
- Minn. Stat. § 326B.106 (General Powers of Commissioner of Labor and Industry)
- Minn. Stat. § 609.605, Subd. 4 (Trespasses on School Property)
- Minn. Rules Ch. 7511 (Fire Code Safety)

20 U.S.C. § 1681, *et seq.* (Title IX)  
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)  
20 U.S.C. § 7912 (Unsafe School Choice Option)  
42 U.S.C. § 5121 *et seq.* (Disaster Relief and Emergency Assistance)

**Cross References:** MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 501 (School Weapons Policy)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 532 (Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds)  
MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)  
[Comprehensive School Safety Guide](https://dps.mn.gov/divisions/hsem/mn-school-safety-center/Documents/Comprehensive%20School%20Safety%20Guide.pdf)  
<https://dps.mn.gov/divisions/hsem/mn-school-safety-center/Documents/Comprehensive%20School%20Safety%20Guide.pdf>

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

MSBA/MASA Model Policy 410

Orig. 1995

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

Rev. 202215

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

### **I. PURPOSE**

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

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

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

### **III. DEFINITIONS**

A. "Covered active duty" means:

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

B. "Covered servicemember" means:

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

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

by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless: (1) the break is occasioned by the employee's fulfillment of his or her USERRA-covered service obligation; or (2) a written agreement, including a collective bargaining agreement, exists concerning the school district's intention to rehire the employee after the break in service.

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

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

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

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

4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
5. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
  - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
  - b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:
    - (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
    - (2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
    - (3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
    - (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the

employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.

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

health plan premiums paid by it.

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

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

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

B. Twelve-week Leave under State Law

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

C. Twenty-six-week Servicemember Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined

total of 26 work weeks of leave under Paragraphs IV.A. and IV.C. above.

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

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

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than 20 percent of the workdays in the leave period may be required to:
  1. take leave for the entire period or periods of the planned medical treatment; or
  2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
  1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.

2. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
3. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
- 4D. If the school district requires an instructional employee to extend leave through the end of a semester as set forth in this paragraph, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the school district to the end of the school term is not counted as FMLA leave but as an unpaid or paid leave, to the extent the instructional employee has accrued paid leave available and the school district shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the conclusion of the leave.

## VI. OTHER

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

## VII. DISSEMINATION OF POLICY

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

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

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

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

MSBA/MASA Model Policy 414

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Rev. 202219

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

### **I. PURPOSE**

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

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

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

### **III. DEFINITIONS**

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

than by accidental means:

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

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

- GF. "Nonmaltreatment mistake" means occurs when: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment

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

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

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

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

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

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

KI. "School personnel" means professional employee or professional's delegate of the school

district who provides health, educational, social, psychological, law enforcement, or child care services.

~~LJ.~~ "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in 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 that~~ constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation ~~which that~~ requires registration under Minnesota Statutes section 243.166, Subd. 1b(a) or (b) (~~Registration of Predatory Offenders~~).

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

~~K.~~ "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

~~L.~~ "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

~~M.~~ "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

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

A. A mandated reporter ~~as defined herein~~ shall immediately report the information neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years, to the local welfare agency, agency

responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. The reporter will include his or her name and address in the report.

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

## V. INVESTIGATION

- A. The responsibility for assessing or investigating reports of suspected maltreatment neglect or physical or sexual abuse rests rests with the appropriate state, county, ~~state,~~ or local agency or agencies. The agency responsible for assessing or investigating reports of ~~child~~ maltreatment has ~~the~~ authority to interview the child, the person or

persons responsible for the child's care, the alleged ~~perpetrator~~offender, and any other person with knowledge of the ~~abuse or neglect~~ maltreatment for the purpose of gathering ~~the~~ facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of ~~the alleged offender or parent, legal guardian, or a~~ school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property ~~will~~ must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged ~~perpetrator~~ offender is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable, and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged ~~perpetrator~~ offender is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and the Family Educational Rights and Privacy Act, 20 United States Code section 1232g.

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

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

destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

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

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

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

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

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

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



# Confidential Student Maltreatment Reporting Form

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

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

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

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

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

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

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

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

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

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

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

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

## ALLEGED VICTIM

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

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

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

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

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

Alleged Victim has a legal guardian: Yes No

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

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

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

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

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

**ALLEGED OFFENDER**

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

**INCIDENT**

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

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

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

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

MSBA/MASA Model Policy 415

Orig. 1995

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

Rev. 201522

## 415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

### III. DEFINITIONS

A. "Abuse" means:

1. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in Minnesota Statutes sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in Minnesota Statutes section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in Minnesota Statutes section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in Minnesota Statutes sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.
2. Conduct which is not an accident or therapeutic conduct as defined in Minnesota Statutes section 626.5572 which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota Statutes section 245.825.
3. Any sexual contact or penetration as defined in Minn. Stat. § 609.341 between a facility staff person or a person providing services in the facility and a resident,

patient, or client of that facility.

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

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

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

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

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

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

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

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

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

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

J. "School personnel" means professional employees or their delegates of the school

district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.

- K. “Vulnerable Aadult” means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minn. Stat. Ch. Minnesota Statutes chapter 245A, except as excluded under Minn. Stat. §Minnesota Statutes section 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual’s ability to adequately provide adequately for the person’s individual’s own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual’s self from maltreatment.

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

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

## V. INVESTIGATION

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

## VI. DISSEMINATION OF POLICY AND TRAINING

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

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

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

# STUDENTS

## Attendance Policy

503-NB

### I. PURPOSE

- A. The school board believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students, and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance. It is intended to be positive and not punitive.
- B. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher and administrators. This policy will assist students in attending class.

### II. GENERAL STATEMENT OF POLICY

#### A. Responsibilities

##### 1. Student's Responsibility

It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes and study halls every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to an absence.

##### 2. Parent or Guardian's Responsibility

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

##### 3. Teacher's Responsibility

It is the teacher's responsibility to take daily attendance and to maintain accurate attendance records in each assigned class and study hall. It is also the teacher's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed assignments upon request. Finally, it is the teacher's responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

##### 4. Administrator's Responsibility

- a. It is the administrator's responsibility to require students to attend all assigned classes and study halls. It is also the administrator's responsibility to be familiar with all procedures

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#### North Branch Independent School District No. 138: District Policy 503-NB

**Adopted:** November 11, 1997

**Reviewed:** June 10, 1999, June 8, 2000, June 14, 2001 (MSBA Model Policy reviewed March 2009), July 11, 2013

**Number Changed from 5113 to 503:** June 8, 2000

**Revised:** June 8, 2000, June 26, 2001, May 13, 2004, April 2008, May 2009, July 11, 2013, July 10, 2014, May 12, 2016, August 27, 2020

**Effective:** September 2009, July 11, 2013, July 10, 2014, May 12, 2016, August 27, 2020

503-NB Attendance Policy, page 1 of 8

# STUDENTS

## Attendance Policy

503-NB

governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance, and to prepare a list of the previous day's absences stating the status of each. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems.

- b. In accordance with the Minnesota Compulsory Instruction Law, Minnesota Statutes § section 120A.22, the students of the school district are REQUIRED to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the school board from attendance because the student has already completed state and school district standards required to graduate from high school, has withdrawn, or has a valid excuse for absence.

### B. Attendance Procedures

The superintendent shall develop procedures to implement the policy for district schools and keep the school board informed of any changes in these procedures.

#### 1. Excused Absences

- a. To be considered an excused absence, the student's parent or legal guardian will verify within two days of the absence, in writing or by phone, the reason for the student's absence from school. The school district reserves the right to request documentation for any excused absence. A note from a physician or a licensed mental health professional stating that the student cannot attend school is a valid excuse.
- b. The following reasons shall be sufficient to constitute excused absences:
  - (1) Illness. (Documentation from a medical provider may be required.)
  - (2) Serious illness or injury in the student's immediate family.
  - (3) A death or funeral in the student's immediate family or of a close friend or relative.
  - (4) Medical, dental or orthodontic treatment, or counseling appointment.
  - (5) Court appearances occasioned by family or personal action.
  - (6) Religious instruction not to exceed three hours in any week.
  - (7) Physical emergency conditions such as fire, flood, storm, etc.

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#### North Branch Independent School District No. 138: District Policy 503-NB

**Adopted:** November 11, 1997

**Reviewed:** June 10, 1999, June 8, 2000, June 14, 2001 (MSBA Model Policy reviewed March 2009), July 11, 2013

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- (8) Official school field trip or other school-sponsored outing.
- (9) Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete make-up work.
- (10) Family emergencies
- (11) Active duty in any military branch of the United States
- (12) Family member on military leave
- (13) ~~Observance of a religious or cultural holiday~~ Religious or cultural observance
- (14) Successfully appealed absences
- (15) A student's condition that requires ongoing treatment for a mental health diagnosis.
- (16) Up to 2 days per year during the junior and senior years to explore Post-Secondary educational options ie: colleges, universities, trades programs.

### c. Consequences of Excused Absences

- (1) Students whose absences are excused are required to make up all assignments missed or to complete alternative assignments as deemed appropriate by the classroom teacher. The student is responsible for contacting teachers to initiate makeup work.
- (2) Work missed because of absence must be made up. The building principal or the classroom teacher will extend the time allowed for completion of make-up work in the case of an extended illness or other extenuating circumstances.

## 2. Unexcused Absences

### a. The following are examples of absences which will not be excused:

- (1) Truancy. An absence by a student which was not approved by the parent and/or the school district.
- (2) Any absence in which the student failed to comply with any reporting requirements of the school district's attendance procedures.
- (3) Work at home/Needed at home.

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# STUDENTS

## Attendance Policy

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- (4) Work at a business, except under a school-sponsored work release program.
- (5) Vacations with family.
- (6) ~~Personal trips to schools or colleges.~~
- (67) Absences resulting from cumulated unexcused tardies. Three unexcused tardies equal one unexcused absence.
- (78) Any other absence not included under the attendance procedures set out in this policy.  
For Example: Hunting, Fishing, 4-H, Rodeo, etc.

### b. Protocols for Unexcused Absences

- (1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minnesota Statutes sections ~~§§~~ 121A.40-121A.56.
- (2) Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.
- (3) In cases of recurring unexcused absences, the administration may also request the county attorney to file a petition with the juvenile court, pursuant to Minnesota statutes.

### C. Tardiness

1. Definition: Students are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness. A student will be marked tardy if they arrive to class within ten minutes of the bell. Students that are more than ten minutes late will be marked absent.
2. Procedures for Reporting Tardiness
  - a. Students tardy at the start of school must report to the school office or classroom for an admission slip.
  - b. Tardiness between periods will be handled by the teacher.
3. Excused Tardiness

Valid excuses for tardiness are:

  - a. Illness.

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## Attendance Policy

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- b. Serious illness in the student's immediate family.
  - c. A death or funeral in the student's immediate family or of a close friend or relative.
  - d. Medical, dental, orthodontic, or mental health treatment.
  - e. Court appearances occasioned by family or personal action.
  - f. Physical emergency conditions such as fire, flood, storm, etc.
  - g. Any tardiness for which the student has been excused in writing by an administrator or faculty member.
4. Unexcused Tardiness
- a. An unexcused tardiness is failing to be in an assigned area at the designated time class period commences without a valid excuse.
  - b. Consequences of tardiness may include detention after 3 unexcused tardies. In addition, for students ages 12 through 17, 3 unexcused tardies are equivalent to one unexcused absence. Three late to school unexcused tardies for students ages 11 and under are the equivalent to one unexcused absence.
- D. Participation in Extracurricular Activities and School-Sponsored On-the-Job Training Programs
- 1. This policy applies to all students involved in any extracurricular activity scheduled either during or outside the school day and any school-sponsored on-the-job training programs.
  - 2. School-initiated absences will be accepted and participation permitted.
  - 3. A student may not participate in any activity or program if he or she has an unexcused absence from any class during the day.
  - 4. If a student is suspended from any class he or she may not participate in any activity or program that day.
  - 5. If a student is absent from school due to medical reasons, he or she must present a physician's statement or a statement from the student's parent or guardian clearing the student for participation that day. The note must be presented to the coach or advisor before the student participates in the activity or program.

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### III. RELIGIOUS OBSERVANCE ACCOMMODATION

Reasonable efforts will be made by the school district to accommodate any student who wishes to be excused from a curricular activity for a religious observance. Requests for accommodations should be directed to the building principal.

### IV. DISSEMINATION OF POLICY

1. Copies of this policy shall be made available to all students and parents at the commencement of each school year. This policy shall also be available upon request in each principal's office.
2. The school district will provide annual notice to parents of the school district's policy relating to a student's absence from school for religious observance.

### IV. REQUIRED REPORTING

#### A. Continuing Truant

Minnesota Statutes, §section 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minnesota Statutes, §section 120A.22 and is absent from instruction in a school, as defined in Minnesota Statutes, §section 120A.05, without valid excuse within a single school year.

1. Three days if the child is in elementary school; or
2. Three or more class periods on three days if the child is in middle school or high school.

#### B. Reporting Responsibility

When a student is initially classified as a continuing truant, Minnesota Statutes, §section 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;
2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;
3. That the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minnesota Statutes, §section 120A.22 and parents or guardians who fail to meet this obligation

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# STUDENTS

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may be subject to prosecution under Minnesota Statutes, §section 120A.34;

4. That this notification serves as the notification required by Minnesota Statutes, §section 120A.34;
5. That alternative educational programs and services may be available in the child's enrolling or resident district;
6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
7. That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minnesota Statutes Chapter 260C;
8. That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minnesota Statutes, §section 260C.201; and
9. That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

### C. Habitual Truant

1. A habitual truant is a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school.
2. A school district attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate district services and procedures, under Minnesota Statutes, ~~chapter~~Chapter 260A.

**Legal References:** Minn. Stat. § 120A.05 (Definitions)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 120A.24 (Reporting)  
Minn. Stat. § 120A.26 (Enforcement and Prosecution)  
Minn. Stat. § 120A.34 (Violations; Penalties)  
**Minn. Stat. § 120A.35 (Absence from School for Religious Observance)**  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 260A.02 (Definitions)

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### Attendance Policy

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Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is a Continuing Truant)  
Minn. Stat. § 260C.007, Ssubd. 19 (Habitual Truant Defined)  
Minn. Stat. § 260C.201 (Dispositions; Children in Need of Protection or Services or Neglected and in Foster Care)  
*Goss v. Lopez*, 419 U.S. 565, 95 S.Ct. 729 (1975)  
*Slocum v. Holton Board of Education*, 429 N.W.2d 607 (Mich. App. Ct. 1988)  
*Campbell v. Board of Education of New Milford*, 475 A.2d 289 (Conn. 1984)  
*Hamer v. Board of Education of Township High School District No. 113*, 66 Ill. App.3d 7, 383 N.E.2d 231 (1978)  
*Gutierrez v. School District R-1*, 585 P.2d 935 (Co. Ct. App. 1978)  
*Knight v. Board of Education*, 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)  
*Dorsey v. Bale*, 521 S.W.2d 76 (Ky. 1975)

**Cross References:** NB Policy 506-NB (Student Discipline)

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**I. PURPOSE**

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

**II. PAYMENT OF MEALS****A. Unpaid Meal Charge and Debt Collection Procedures**Charge Procedure

1. If the student or family account has insufficient funds to pay for breakfast and/or lunch meals, the following will apply:
  - All students will be provided a Type A meal, regardless of meal account status. The charge for the meal will be added to the family account.
  - Students with an overdrawn account will not be allowed to charge ala carte items.
2. Students eligible for free or reduced-price meals will always be served a meal regardless of unpaid food service accounts. When a student eligible for PAID meals has "cash in hand" to pay for a meal, the student will be served a meal regardless of unpaid food service accounts. The "cash in hand" will not be applied towards past due balances.

Notification of Account Status

1. There are several ways families can obtain their lunch account balances.
  - Families can check their student's meal account balance via Wordware.
  - Families can contact the Food Service Department at (651) 674-1521 for account balances.
2. The parent/guardian will be notified when their account has a low balance.
  - When a family's balance reaches \$10.00 or less, an e-mail will be sent daily to the parent/guardian advising them of the student meal account balance(s).
  - At the end of each month, a letter will be mailed home to parents when a family's balance reaches -\$30.00 or less.

# STUDENTS

## School Meals Policy

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- The Food Service Department will encourage parents to complete the free/reduced-price meal application.

### Collection of Unpaid Meal Debt

1. Prior to the end of the school year, the following collection actions may be taken on any accounts with a balance of -\$50.00 or less:
  - A formal letter will be sent to the household notifying that the debt may be turned over to a collection agency if the balance isn't paid by a designated date or if a payment plan isn't established. If there is no response by the designated date, the account may be turned over to a collection agency.
  - Two attempts will be made by phone to discuss the status of the negative accounts.
  - The expectation is all fees owed to the district will be paid in full on the last day the student will be attending classes.
- B. If the school district receives school lunch aid under Minnesota Statutes section 124D.111, it must make lunch available without charge to all participating students who qualify for free or reduced-price meals regardless of account balance.
- C. A student with an outstanding meal charge debt will be allowed to purchase a meal if the student pays for the meal when it is received.
- D. A student who has been determined to be eligible for free and reduced-price lunch always must be served a reimbursable meal even if the student has an outstanding debt.
- E. Once a meal has been placed on a student's tray or otherwise served to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, whether or not the student has an outstanding meals balance.
- ~~F. The school district may provide an alternate meal that meets federal and state requirements to a student who does not have sufficient funds in the student's account or cannot pay cash for a meal. The school district will accommodate special dietary needs with respect to alternate meals. The cost of the alternative meal will be the same as a standard meal price and will be charged to the student's account or otherwise charged to the student.~~
- FG. When a student has a negative account balance, the student will not be allowed to charge a snack item.
- GH. If a parent or guardian chooses to send in one payment that is to be divided between sibling accounts, the parent or guardian must specify how the funds are to be distributed to the students' accounts.

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## School Meals Policy

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Funds may not be transferred between sibling accounts unless written permission is received from the parent or guardian.

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

- A. The school district will make reasonable efforts to notify families when meal account balances are low or fall below zero.
- B. Families will be notified of an outstanding negative balance once the negative balance reaches -\$10.00 or less. Families will be notified by email.

Families will be notified of an outstanding negative balance once the negative balance reaches -\$30.00 or less. Families will be notified by mail.

- C. Reminders for payment of outstanding student meal balances will not demean or stigmatize any student participating in the school lunch program, including, but not limited to, dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, or affixing stickers, stamps, or pins.

### IV. UNPAID MEAL CHARGES

- A. The school district will make reasonable efforts to communicate with families to resolve the matter of unpaid charges. Where appropriate, families may be encouraged to apply for free and reduced-price meals for their children.
- B. The school district will make reasonable efforts to collect unpaid meal charges classified as delinquent debt. Unpaid meal charges are designated as delinquent debt when payment is overdue, the debt is considered collectable, and efforts are being made to collect it.
- C. Negative balances of more than -\$50.00 or less not paid prior to the end of the school year will be turned over to the superintendent or superintendent's designee for collection. In some instances, the school district does use a collection agency to collect unpaid school meal debts after reasonable efforts first have been made by the school district to collect the debt. Collection options may include, but are not limited to, use of collection agencies, claims in the conciliation court, or any other legal method permitted by law.
- D. The school district may not enlist the assistance of non-school district employees, such as volunteers, to engage in debt collection efforts.
- E. The school district will not impose any other restriction prohibited under Minnesota Statutes section 123B.37 due to unpaid student meal balances. The school district will not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or

# STUDENTS

## School Meals Policy

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other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.

### V. COMMUNICATION OF POLICY

- A. This policy and any pertinent supporting information shall be provided in writing in the student handbook to:
1. all households at or before the start of each school year;
  2. students and families who transfer into the school district, at the time of enrollment; and
  3. all school district personnel who are responsible for enforcing this policy.
- B. The school district will post this policy on the school district's website, or the website of the organization where the meal is served, in addition to providing the required written notification described above.
- C. If the school district contracts with a third party for its meal services, it will provide the vendor with its school meals policy. The school district will ensure that any third-party provider with whom the school district enters into either an original or modified contract after July 1, 2021, adheres to the school district's school meals policy.

**Legal References:** Minn. Stat. § 123B.37 (Prohibited Fees)  
Minn. Stat. § 124D.111 (Lunch Aid; Food Service Accounting)  
Minn. Stat. § 124D.111, Subd. 4  
2 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)  
7 C.F.R. § 210 *et seq.* (School Lunch Program Regulations)  
7 C.F.R. § 220.8 (School Breakfast Program Regulations)  
USDA Policy Memorandum SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies (2016)  
USDA Policy Memorandum SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments (2016)  
USDA Policy Memorandum SP 23-2017, Unpaid Meal Charges: Guidance and Q&A

**Cross References:** None

# Board & Administrator

## FOR SCHOOL BOARD MEMBERS

January 2023 Vol. 36, No. 9

### Consider experience, skills of interim superintendent candidate

Given the current climate of staff shortages and divisiveness, it's harder than ever to hire and keep a superintendent. For that reason, school boards often find themselves needing to hire an interim superintendent while they search for a permanent candidate.

To increase the chances of selecting a successful interim superintendent, boards should consider the following.

- **Whether the individual has previously served as a superintendent.** A candidate who has served as a superintendent in another district may be more prepared for the intensive schedule and pressures of the position than someone whose highest position was school principal. The board might also consider individuals who have previously served as an interim superintendent. Such an individual may be able to come into the district knowing how to make changes and guide the school system before leaving.

- **The educator's experience.** Boards should examine the candidate's experience in terms of both

time and variety of positions held. For example, an individual with two decades of experience as a teacher, principal, and district administrator may be more effective than a long-time teacher who served only one year as a principal.

- **Consider hiring from within.** Hiring from within the district will likely mean foregoing selecting someone with experience as a superintendent. However, one benefit is that the individual may already have the community's trust, as well as familiarity with the district's most pressing challenges. Another benefit is that if the person succeeds, the board may then consider her for the full-time job.

- **Consider the individual's ability to communicate.** If the candidate is a former superintendent at another district, for instance, the board might examine the individual's history of interacting with that board. Did the superintendent often clash with board members? If there were numerous clashes, that might indicate the individual could bring unwanted friction to the interim position. ■

### Beware of overuse of executive sessions

Last fall, the West Virginia Board of Education authorized the immediate intervention of the Logan County School system as the result of a Special Circumstance Review Report that resulted in 46 points of non-compliance. One of the reasons for the immediate intervention, according to West Virginia Department of Education's website,

was the overuse of executive sessions.

The report found 79 separate executive sessions were held during the 2020-21, 2021-22, and 2022-23 school years. Not only did the report find that many of these sessions failed to comply with the state's criteria for executive sessions set forth in the Open Governmental Proceedings Act, but "the overuse of

executive sessions displays to the community and stakeholders that there are extraordinary opportunities for the board to conduct the business of the board in a private setting.”

Among other measures, the county’s school board’s decision-making authority will be limited and in some instances delegated to the state superintendent of schools.

This situation in Logan County, W.Va., should prompt you to review the limited statutory exceptions in which your board can go into executive session. Some reasons may be to conduct strategic planning, evaluate the superintendent, or ex-

amine a legal issue with the school solicitor. The board president and superintendent should not hesitate to challenge the use of an executive session called without a valid reason. Using detailed executive session board meeting agendas should assist in staying within the lines of those limited exceptions.

Also, ensure all board members understand that no final action, except in specific instances, may be made in the executive session. A state’s open meetings laws protect transparency in government.

The report is available at [www.wvde.us](http://www.wvde.us). ■

## Conduct self-review before running for reelection

Although serving on a school board can be incredibly rewarding, it can also be emotionally and mentally exhausting. This may cause some board members to hesitate when it’s time to run for reelection. Because it’s imperative for a board mem-

ber to be fully committed to the job, board members who are on the fence about continuing their service should conduct a self-review to determine whether they are up for the challenge. Use the assessment below or a similar form to reach a decision. ■

### Board Member Self-Review: Running for Reelection

Instructions: Answer the following 10 questions about your current and future board service. If all your answers are “yes,” serving on the board for another year would likely feel positive. If you answered “no” to any questions, reflect on the reasons for your answer and whether it would be rewarding.

Questions	Answer	
1. Am I still highly committed to the district's mission?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Can I effectively and professionally address contentious issues and difficult discussions?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Have I continued to act candidly and civilly during exchanges of opinion?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Do I collaborate effectively with the superintendent and other board members?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Am I able to keep an open mind during board decision-making?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Have I made an effort to attend and participate in school district events?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Have I attended all school board meetings, work sessions, and training events?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Am I able to successfully balance my responsibilities as a board member with my professional and personal life?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Am I still enthusiastic about serving on the school board?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. Do I still have the energy to meet the time commitments of board service?	<input type="checkbox"/> Yes	<input type="checkbox"/> No