

School Board Study Session  
Monday, November 27, 2023 4:00 PM

District Office Conference Room, Room 164  
Austin High School  
401 3rd Ave. NW  
Austin, MN 55912

## **Agenda**

1. Call to Order/Roll Call  
**Speaker(s):** Chairperson
2. Approval of agenda (Action)  
**Speaker(s):** Chairperson
3. AHS Course Registration Guide review  
**Speaker(s):** AHS Principal Matt Schmit
4. ACT Overview  
**Speaker(s):** Information Services Director Corey Haugen
5. World's Best Workforce report  
**Speaker(s):** Dr. Page
6. Board Goal Update: Implement Strategic Plan - Overview of Multi-Tiered System of Supports (MTSS)  
**Speaker(s):** Dr. Page, Sheri Willrodt and Staff
7. First reading of revised policies  
**Speaker(s):** Dr. Page
  - 7.A. 413 - Harassment and Violence
  - 7.B. 416 - Drug, Alcohol, and Cannabis Testing
  - 7.C. 506 - Student Discipline
  - 7.D. 506 Form - Complaint Procedure
  - 7.E. 507 - Corporal Punishment and Prone Restraint
  - 7.F. 515 Form - Protection and Privacy of Pupil Records
  - 7.G. 613 - Graduation Requirements  
**Speaker(s):** 5-12 Curriculum Coordinator Andrea Malo
8. First reading of new policy 606.5 - Library Materials  
**Speaker(s):** Dr. Page
9. Discussion on renaming of Woodson Kindergarten Center  
**Speaker(s):** Dr. Page
10. *The Governance Core* Book Study - Chapter 3  
**Speaker(s):** Dr. Page
11. BOARD TO ENTER CLOSED SESSION (Action)
12. Austin Principals Association negotiations update
13. BOARD TO ENTER OPEN SESSION (Action)
14. Adjournment  
**Speaker(s):** Chairperson

## 2024-2025 Course Changes

- For sciences, one credit to satisfy all the earth and space science standards for grades 9 through 12, one credit to satisfy all the life science standards for grades 9 through 12, and one credit to satisfy all the chemistry or physics standards for grades 9 through 12
  - o New Course: ***Integrated Science and Honors Integrated Science***
  - o We will no longer offer Physical Science and Honors Physical Science
  - o Progression for science is: Integrated Science, Biology, Chemistry or Physics.
- Students who begin grade 9 in the 2024-25 school year and later must successfully complete a course for credit in personal finance in grade 10, 11, or 12. A teacher of a personal finance course that satisfies the graduation requirement must have a field license or out-of-field permission in agricultural education, business, family and consumer science, social studies, or math.
  - o We currently offer a ***Personal Finance/Money Management*** course.
- Requires an ethnic studies course by 2026-27 school year.
  - o Ethnic Studies Definition – “Ethnic Studies” means the interdisciplinary study of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of people of color within and beyond the United States. Ethnic studies analyzes the ways in which race and racism have been and continue to be social, cultural, and political forces, and the connection of race to the stratification of other groups, including stratification based on the protected classes. Requirements: Starting in the 2026-27 school year, a district or charter school high school must offer an ethnic studies course. An ethnic studies course may fulfill a social-studies, language arts, arts, math, or science credit if the course meets the applicable state academic standards. An ethnic studies course may focus specifically on a particular group of national or ethnic origin. An ethnic studies course may fulfill an elective credit.
    - The ethnic studies requirements will be covered in our current ***Exploring Languages and Cultures*** course.
- Online Instruction Act An enrolling district may provide digital instruction, including blended instruction and online instruction, to the district’s own enrolled students. Enrolling districts may establish agreements to provide digital instruction, including blended instruction and online instruction, to students enrolled in the cooperating schools. Limits the number of students in any one course to 40.

### New Course Offerings:

- ***Video Game Design***
  - o This course delves into the creation of 3D interactive games, providing students with a comprehensive understanding of game design and development. Throughout the course, participants will investigate the intricacies of video game implementation, delving into key elements such as 3D graphics, animation, sound, and collision detection. Using tools like Unity and languages like C#, students will have the opportunity to build their own games, ultimately leaving the course with hands-on experience and a solid foundation in game design and development.
- ***Beginning Band***
  - o This course is designed for students who have either never played a Concert Band instrument, or who dropped out of band before high school. We will begin by exploring and testing woodwind and brass instruments (flute, clarinet, saxophone, trumpet, and trombone). Students will choose an instrument to study for 1 semester. The course will include individual and group instruction in aural and notated music, and independent practice of skills within the class period. Students will quickly move through beginner and intermediate skill levels with a goal of developing 2 to 3 years' worth of instrumental skill in just four months. Independent practice at home is encouraged, but not required. At the end of the course, students who demonstrate a third-year (or higher) level of performing ability may register for Concert Band, if interested.

Course Name Changes:

- ***Agriculture Issues and Leadership*** will now be called ***AFNR Issues and Leadership***
- ***RCC Introduction to Agriculture, Food and Natural Resources*** will now be called ***AFNR***
- ***Agriculture Science – Food Chemistry*** will now be ***Food Chemistry***
- ***Agriculture Science – Animals*** will now be ***Animal Science***
- Department name will change from ***Agriculture to Agriculture, Food and Natural Resources***
- ***At Issue: Modern World Events*** will change to ***Modern World Events***

Course Change:

- ***Basic Building Construction II*** will move from a year long one period class, to a semester two period class.

# 2023 ACT Test Summary

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*Presented by: Corey Haugen  
Director of Information Services*

## OUR MISSION

*(Our Core Purpose)*

INSPIRE. EMPOWER. ACCELERATE.

## OUR VISION

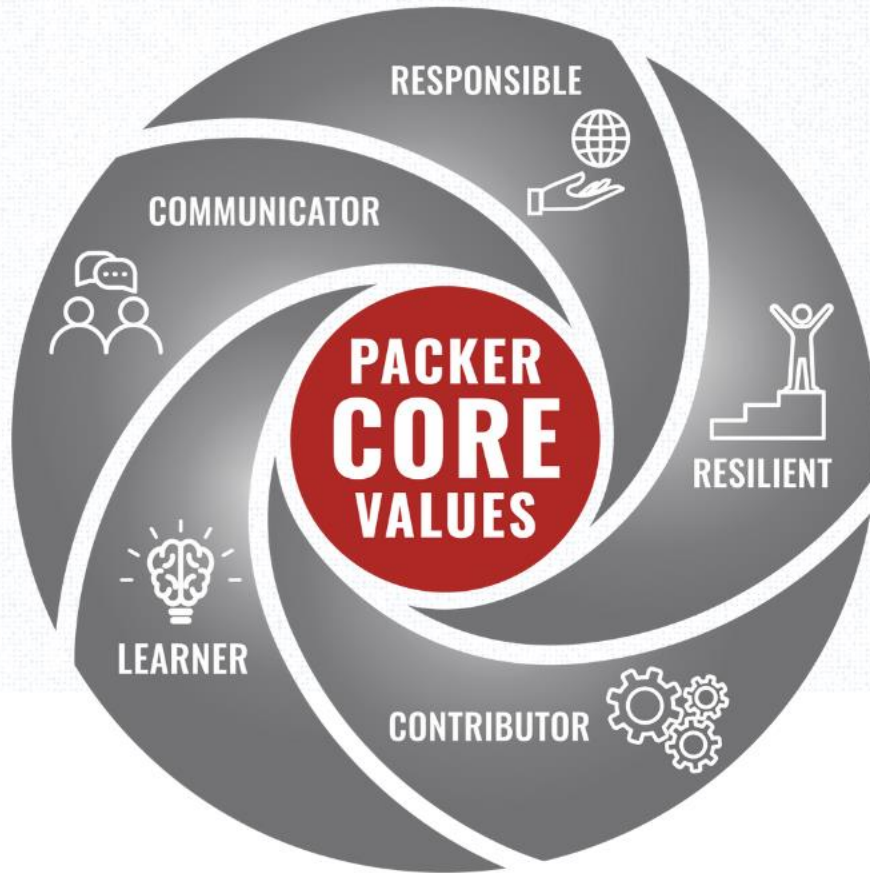
*(What We Intend to Create)*

PREPARING ALL LEARNERS TO MAKE A  
DIFFERENCE IN THE WORLD.

## OUR STRATEGIC PRIORITIES

*(Drivers of Our Continuous Improvement)*

1. Support and resources to ensure a safe and welcoming learning environment
2. Packer Profile for all learners
3. District-wide multi-tiered systems of support for all learners
4. Excellence in resource management



## OUR CORE VALUES

*(Drivers of Our Words and Actions)*

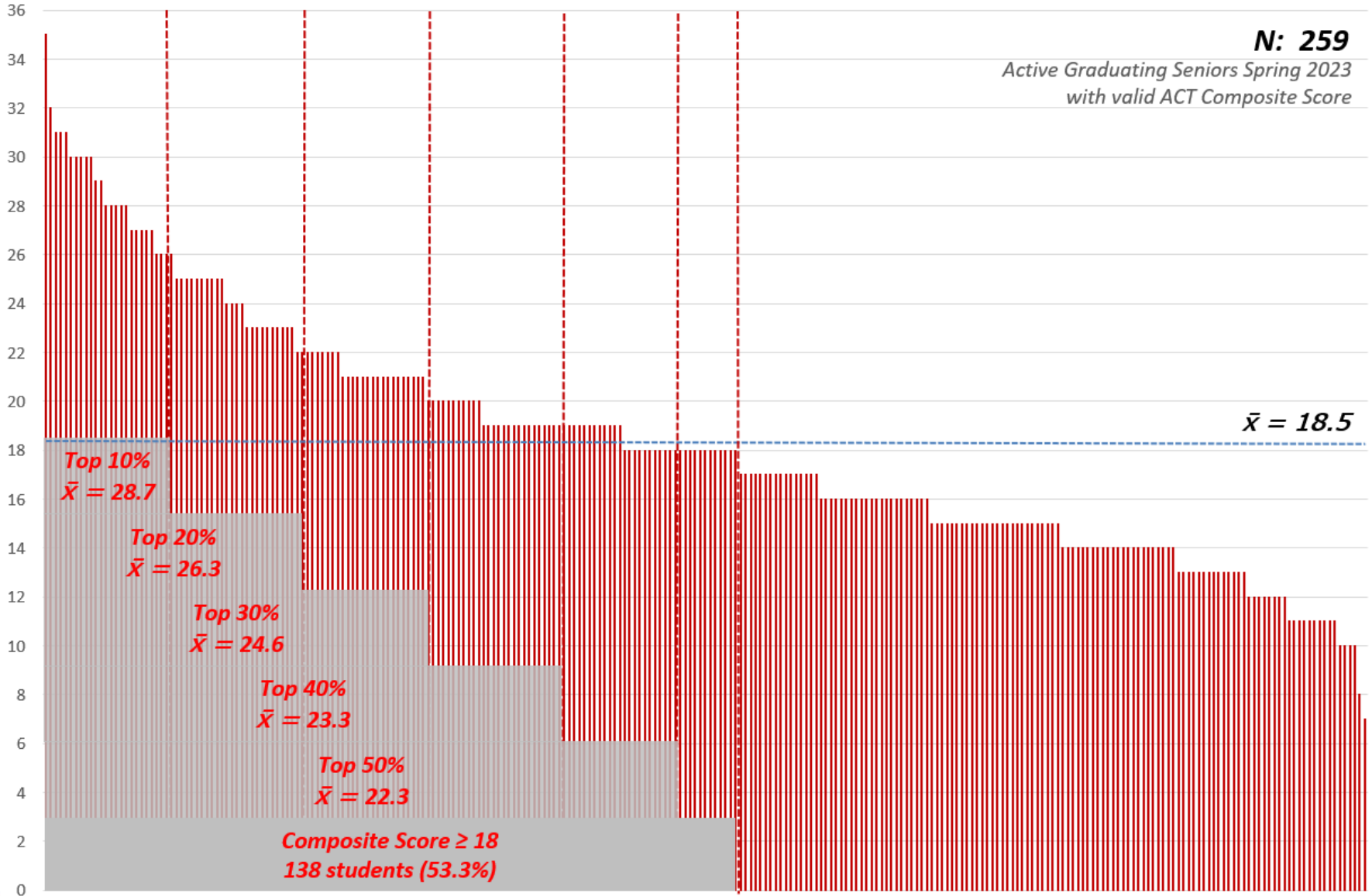
- **Responsible:** Demonstrates accountability to self and others
- **Resilient:** Develops perseverance and self-confidence
- **Learner:** Challenges self to think critically
- **Communicator:** Listens actively and shares learning and experiences
- **Contributor:** Engages as a productive member of the community and global society



# ACT Test

- The **ACT**<sup>®</sup> college readiness assessment is a curriculum- and standards-based educational and career planning tool that assesses students' academic readiness for college.
- The **ACT** is the capstone of our College and Career Readiness System. The test uses the same score scale as **EXPLORE/PLAN** and **ACT Aspire**, making the system an effective tool to monitor academic progress and student growth.

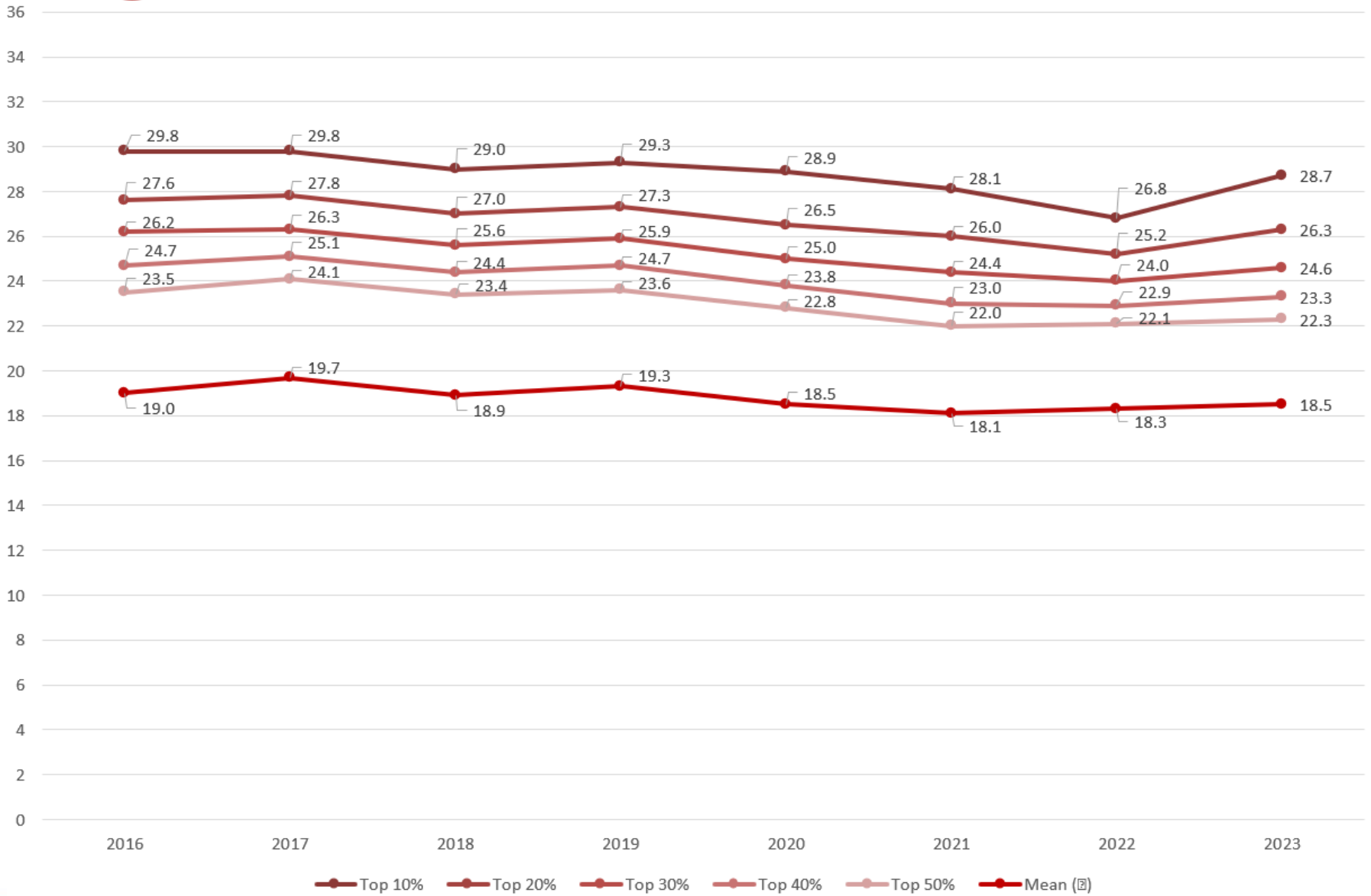
Source: [www.act.org](http://www.act.org)

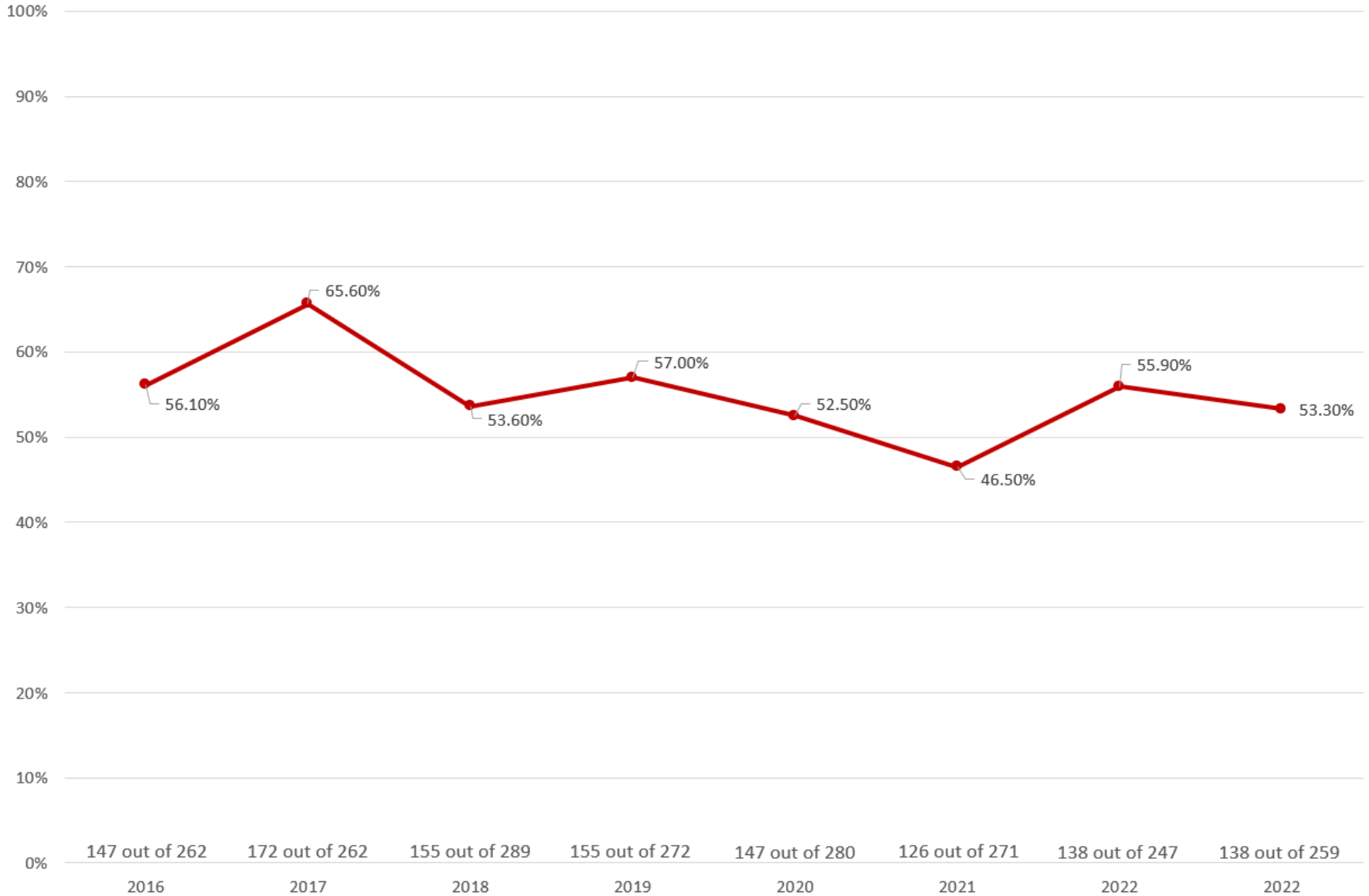


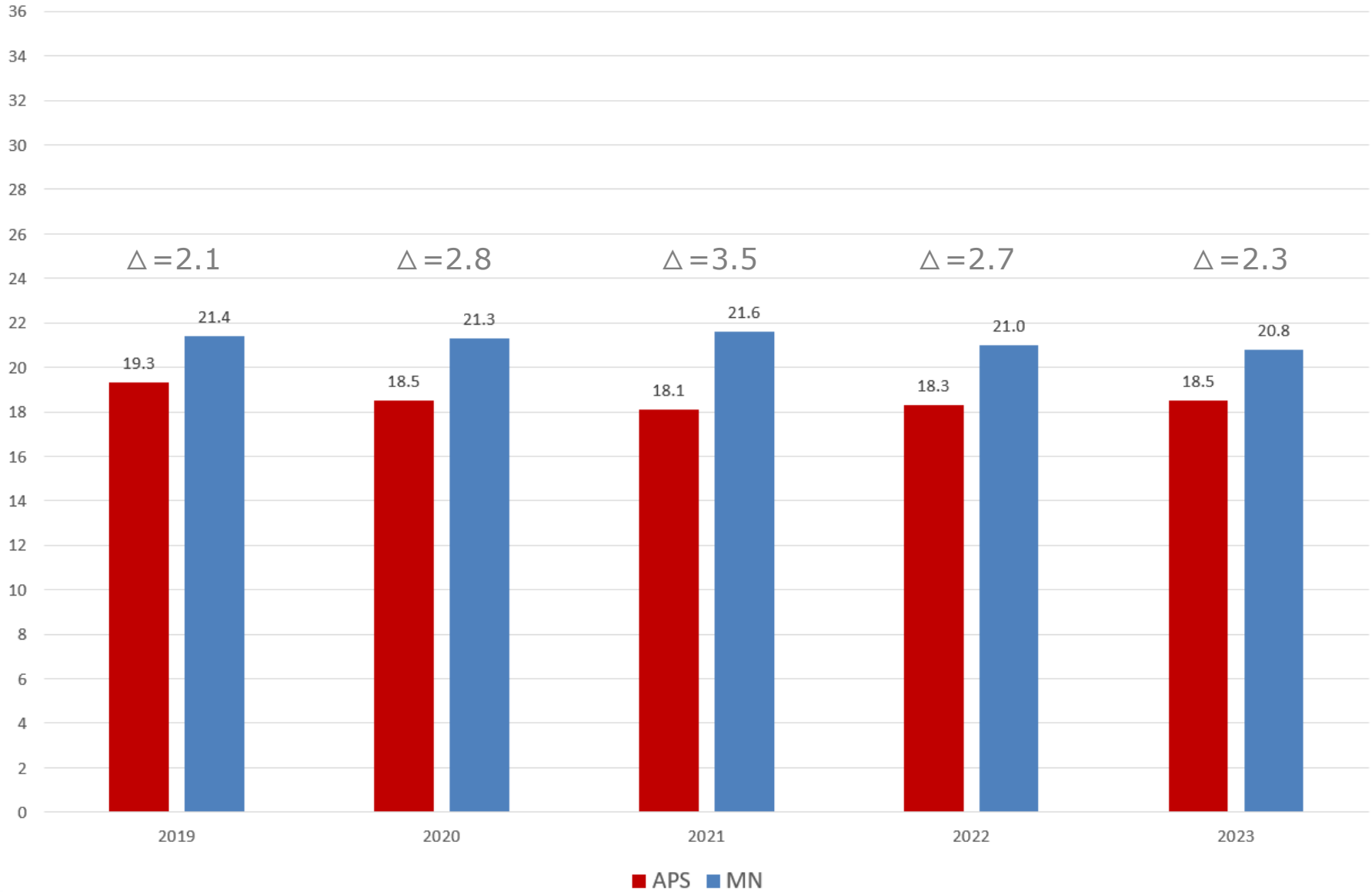
# ACT Summary by Year\*

	2016	2017	2018	2019	2020	2021	2022	2023
Top 10%	29.8	29.8	29.0	29.3	28.9	28.1	26.8	28.7
Top 20%	27.6	27.8	27.0	27.3	26.5	26.0	25.2	26.3
Top 30%	26.2	26.3	25.6	25.9	25.0	24.4	24.0	24.6
Top 40%	24.7	25.1	24.4	24.7	23.8	23.0	22.9	23.3
Top 50%	23.5	24.1	23.4	23.6	22.8	22.0	22.1	22.3
Mean ( $\bar{X}$ )	19.0	19.7	18.9	19.3	18.5	18.1	18.3	18.5
Composite Score $\geq 18$	56.1% (147 Students)	65.6% (172 Students)	53.6% (155 Students)	57.0% (155 Students)	52.5% (147 Students)	46.5% (126 Students)	55.9% (138 Students)	53.3% (138 Students)
N	262	262	289	272	280	271	247	259

\*Active Graduating Seniors each spring with valid ACT Composite Score

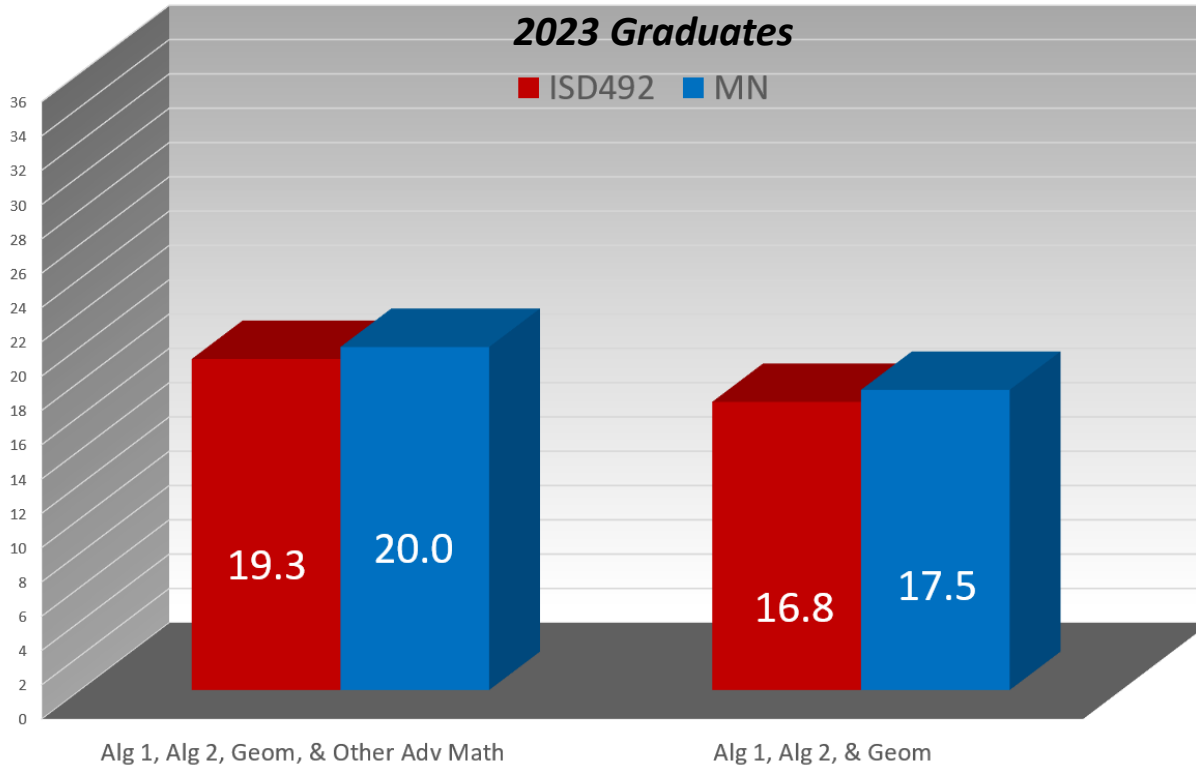






# Value Added by Mathematics Courses

Average ACT Mathematics Scores by Course Sequence

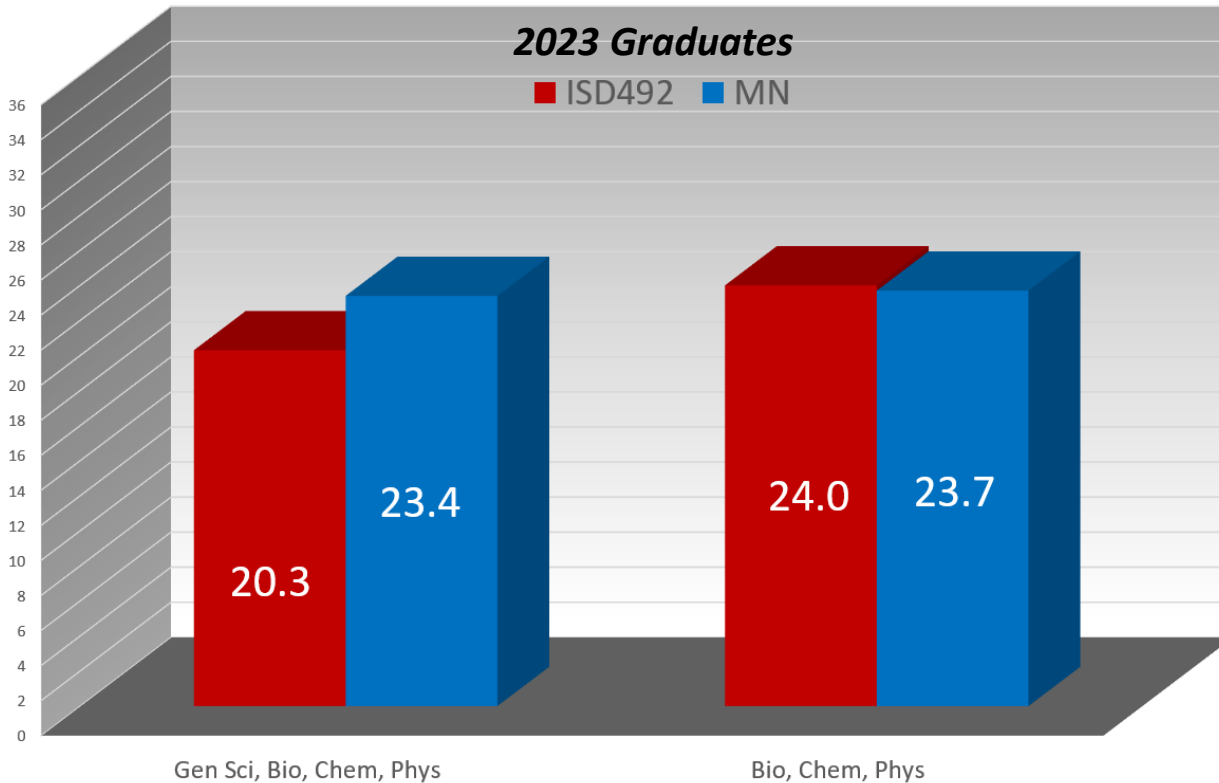


Students who take Algebra 1, Algebra 2, and Geometry typically achieve higher ACT Mathematics scores than students who take less than three years of mathematics.

In addition, students who take more advanced mathematics courses substantially increase their ACT Mathematics score.

# Value Added by Science Courses

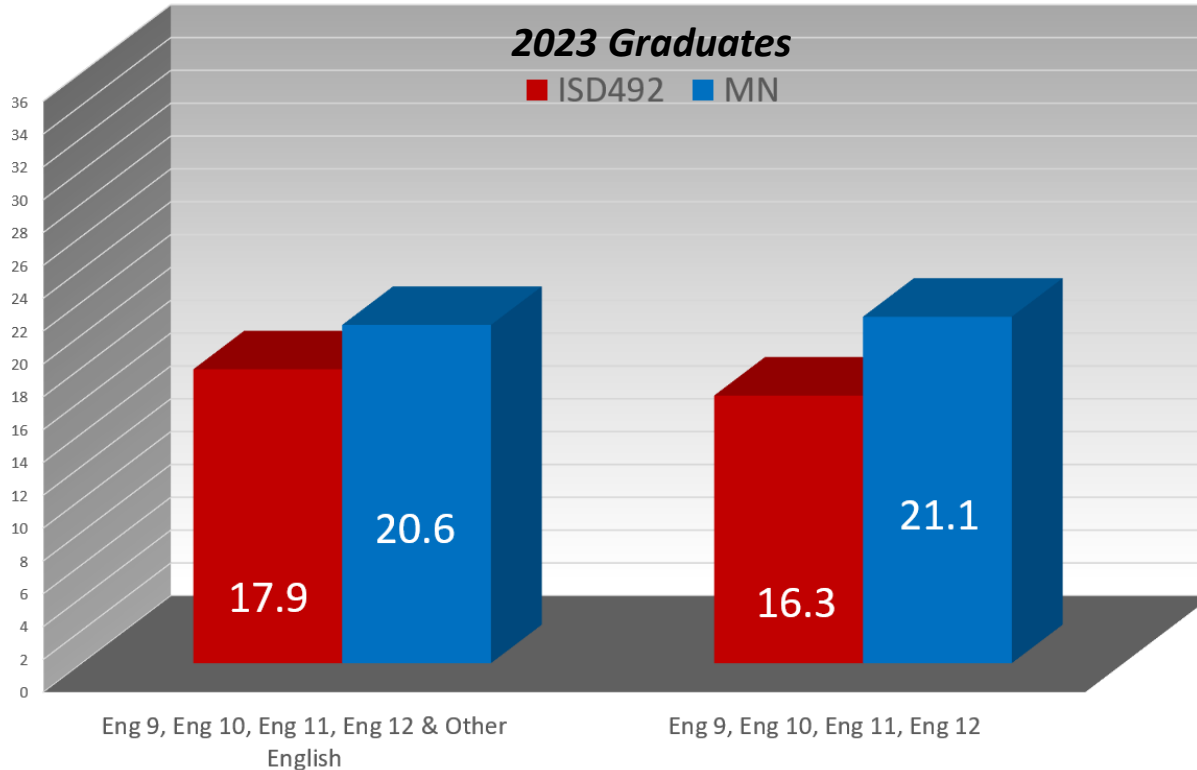
Average ACT Science Scores by Course Sequence



Students taking Biology and Chemistry in combination with Physics typically achieve higher ACT Science scores than students taking less than three years of science courses.

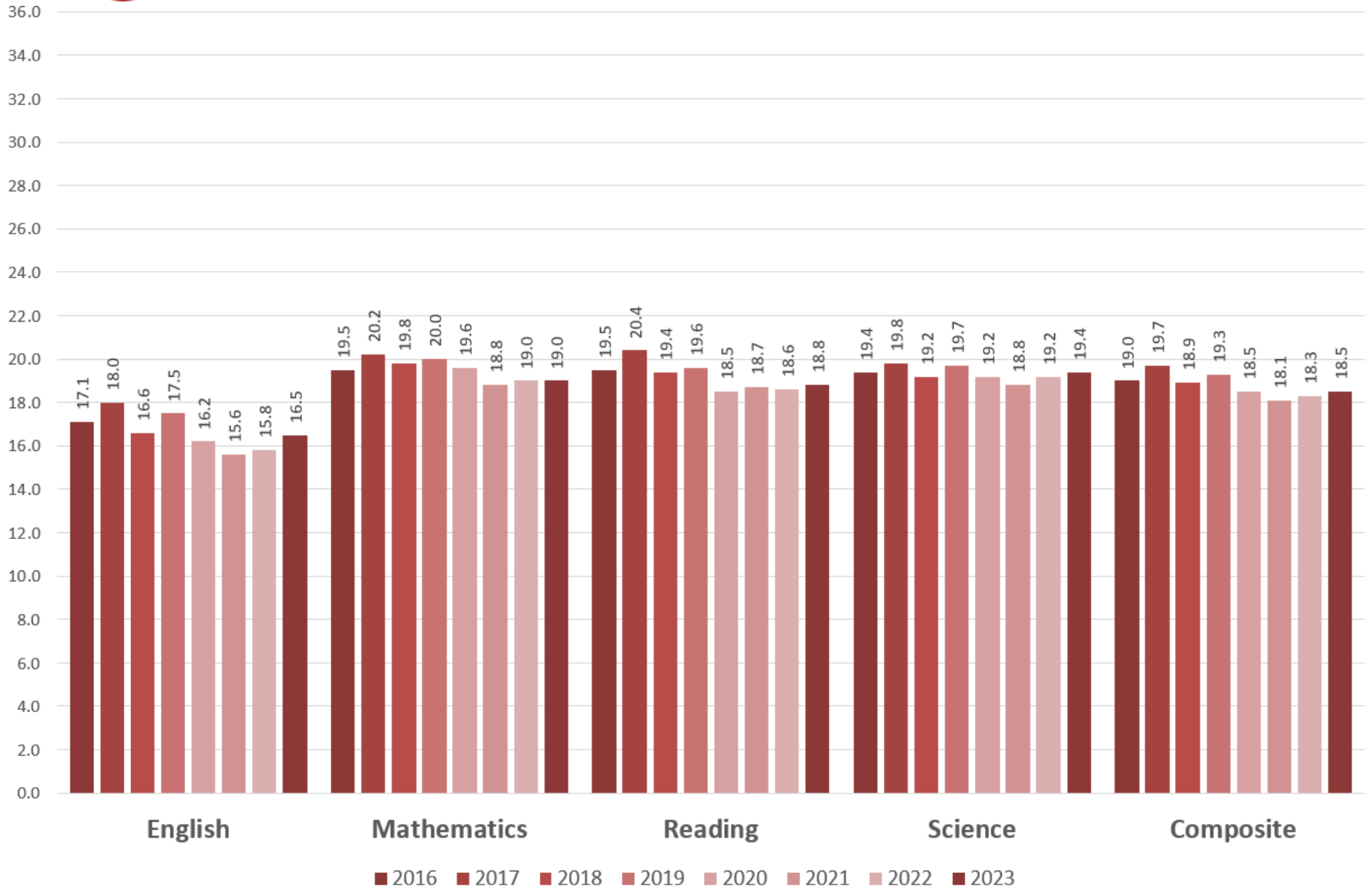
# Value Added by English Courses

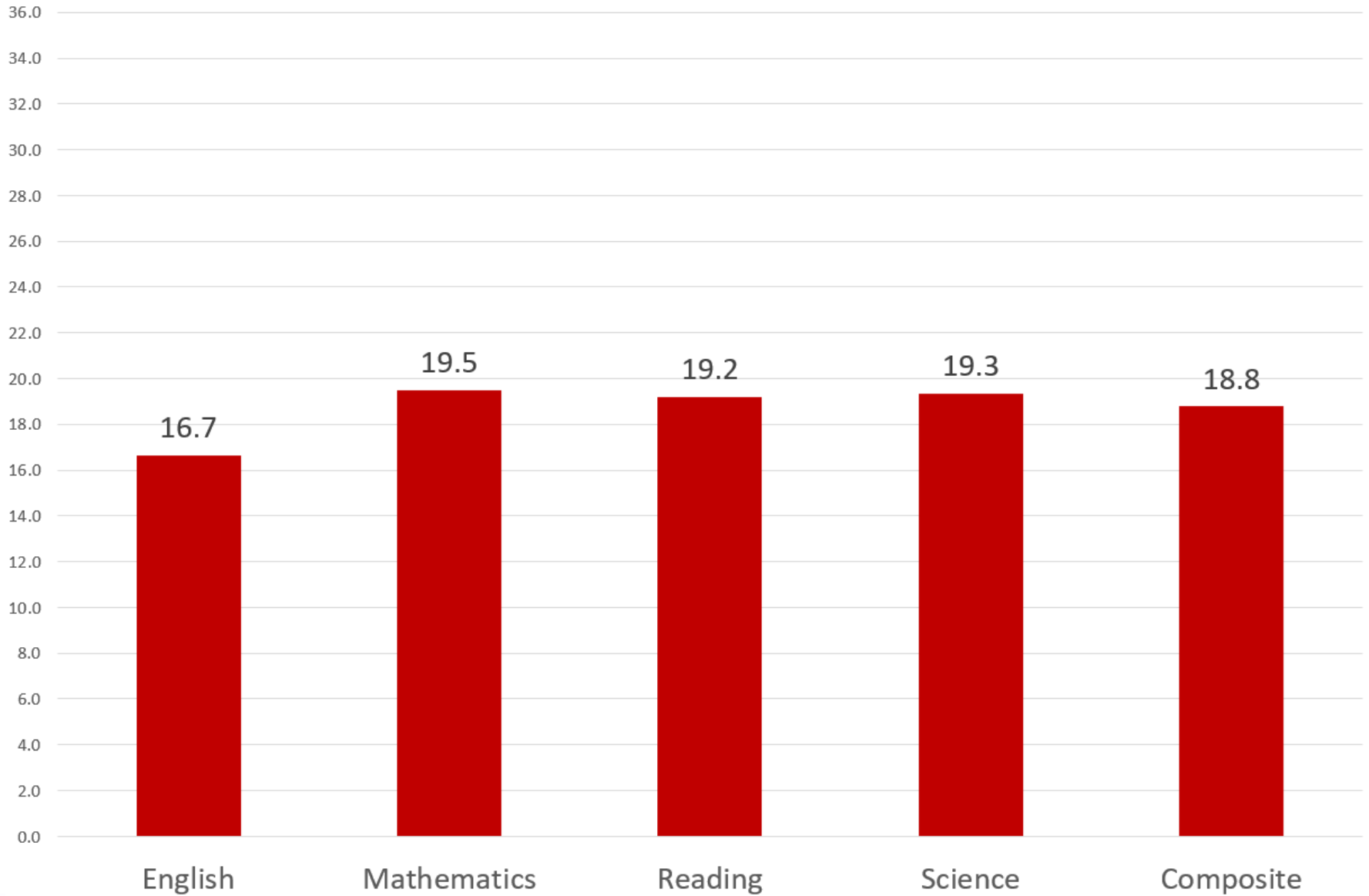
Average ACT English Scores by Course Sequence

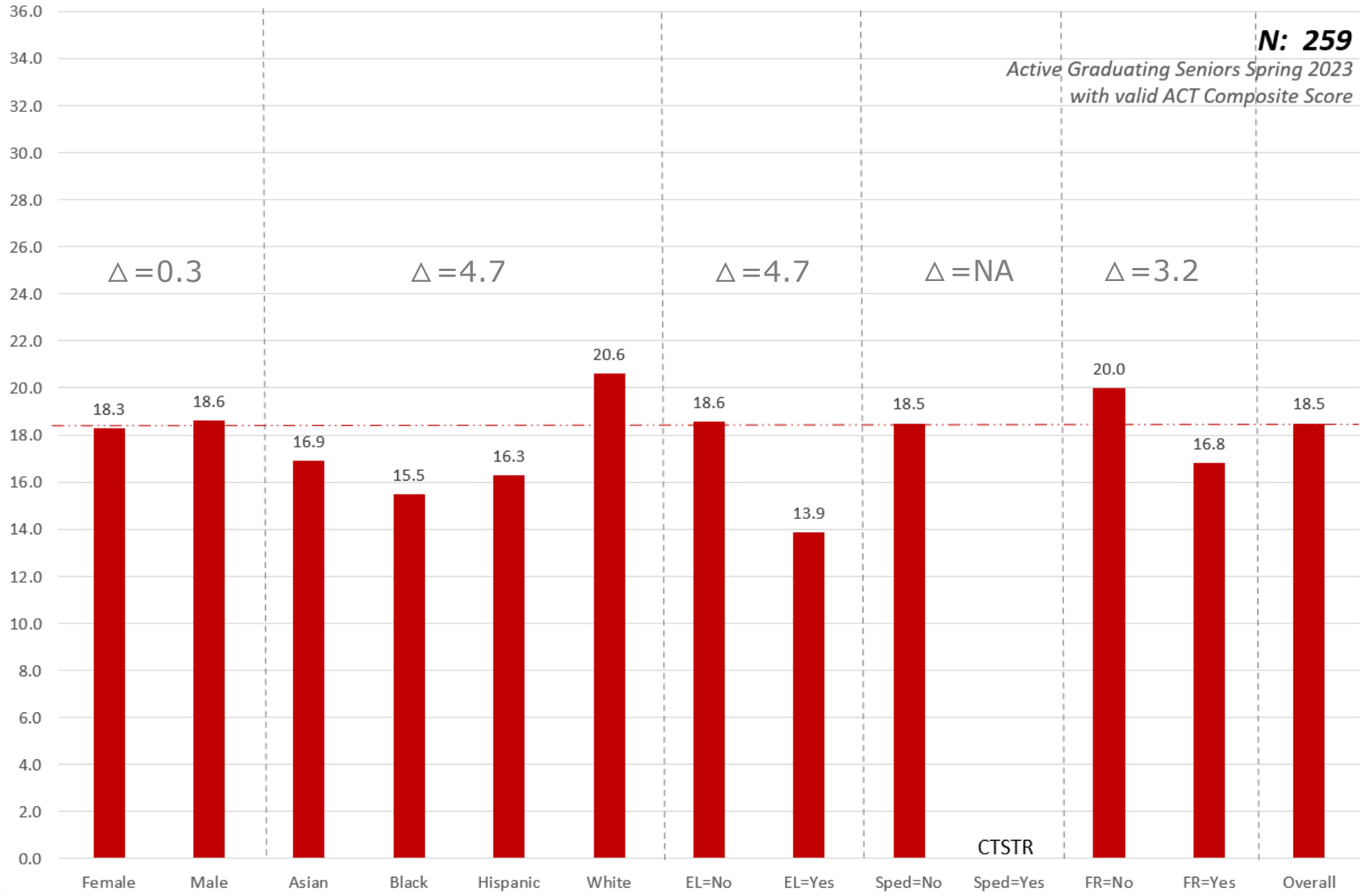


Students who take English 9, English 10, English 11, English 12 & Other English typically achieve higher ACT English Scores than students who take only the required 4 years of English.

In addition, students who take more advanced English courses substantially increase their ACT English score.







Efforts should be focused on improving readiness levels for students from lower income families.

Krista Mattern is a director in Statistical and Applied Research at ACT specializing in the validity and fairness of assessment scores as well as more general issues in higher education such as enrollment, persistence, and graduation.

Justine Radunzel is a principal research scientist in Statistical and Applied Research specializing in postsecondary outcomes research and validity evidence for the ACT.

Matt Harmston is a senior research associate in Education and Workforce Research Services specializing in secondary research and report development.

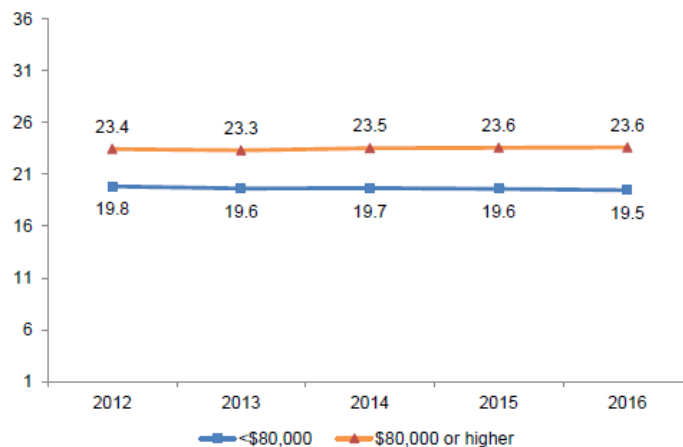


## ACT Composite Score by Family Income

KRISTA MATTERN, PHD, JUSTINE RADUNZEL, PHD, AND MATT HARMSTON, MA

ACT recently released *The Condition of College and Career Readiness 2016* report. The *Condition* report provides insights into college readiness levels of ACT-tested high school graduates from 2012 through 2016. The following data byte highlights additional information by providing five-year trend data on average ACT Composite score by family income. In 2012, students who reported a family income of \$80,000 or higher had an ACT Composite score of 23.4 as compared to 19.8 for students who reported an income of less than \$80,000. In 2016, the average ACT Composite score was 23.6 for higher income students and 19.5 from lower income students.

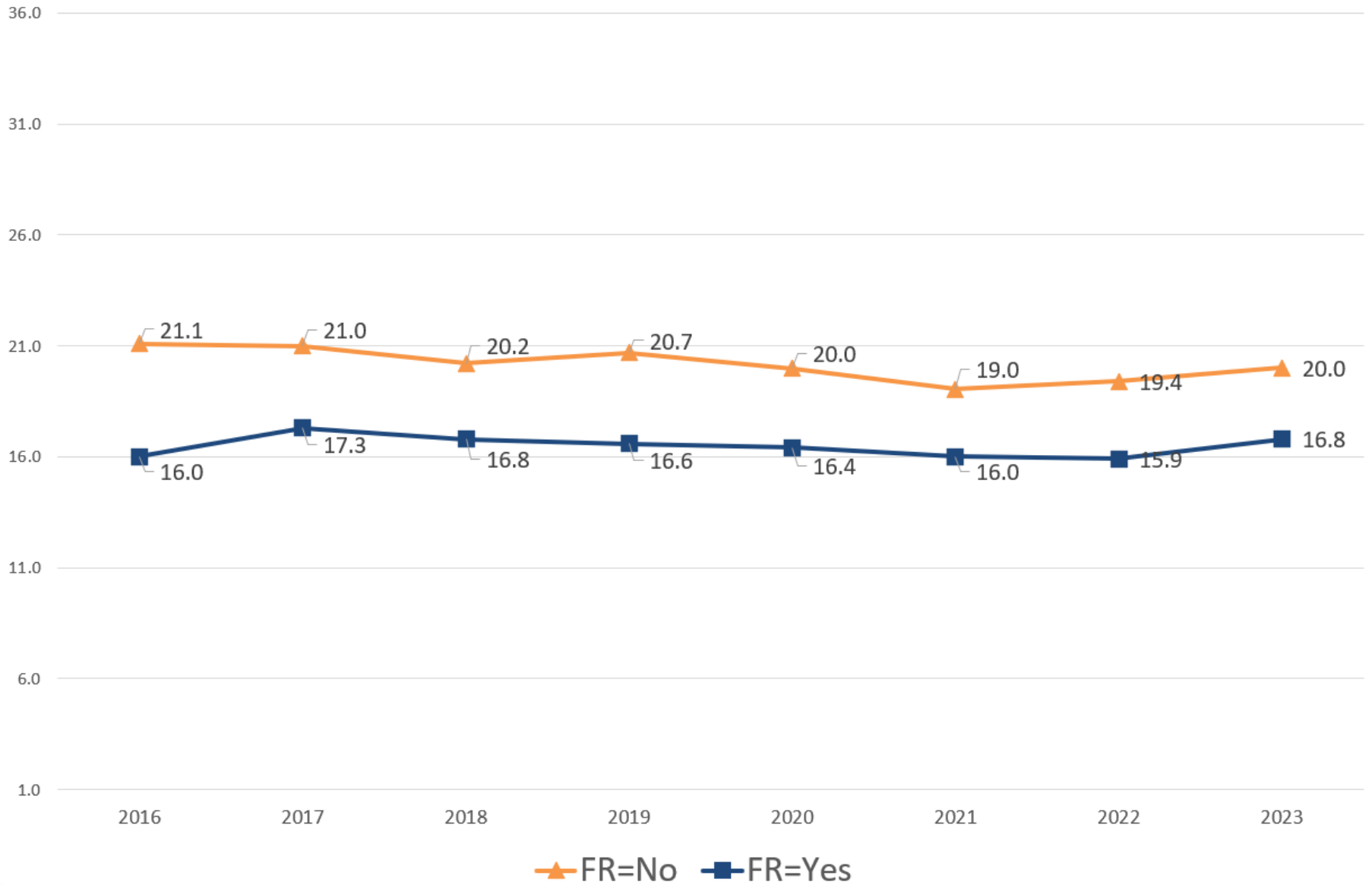
Average ACT Composite Score of 2012–2016 ACT-Tested High School Graduates by Family Income



### Key Takeaways:

- The achievement gap between higher and lower income students has increased slightly over the last five years.
- Since 2013, average ACT Composite scores for students with a family income of \$80,000 or higher have increased slightly, while average scores for students reporting a family income of less than \$80,000 have decreased slightly. Here, our focus is on trends beginning in 2013 because graduating classes from 2013 and later differ slightly from those prior due to inclusion of students who took the ACT under extended-time conditions.
- Efforts should be focused on improving readiness levels for students from lower income families.

Note that the ACT-tested population has increased by 25% over the last five years; therefore, the makeup of the graduating class over this time period may differ in meaningful ways that are related to family income. ■



# 2023 ACT Test Summary

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*Presented by: Corey Haugen  
Director of Information Services*



# **WORLD'S BEST WORKFORCE**



**AUSTIN PUBLIC SCHOOLS**  
INSPIRE • EMPOWER • ACCELERATE

**The World's Best Workforce bill**, passed in 2013, strives to ensure every school district in the state is making strides to increase student performance.

The World's Best Workforce Committee was established in Austin Public Schools to provide parents and community members' involvement and input regarding school programs and curricular offerings. The committee comprises parents, community members, staff, teachers, administrators, and school board members.

Each district in Minnesota must develop the World's Best Workforce plan that addresses the following five goals.

- All children are ready for school.
- All third-graders can read at grade level.  
*\*Due to legislative changes, third grade reading is no longer a WBWF goal area as of the 2023–24 school year*
- All racial and economic achievement gaps between students are closed.
- All students are ready for career and college.
- All students graduate from high school.

This document reports on our progress as we strive to meet the goals outlined in the World's Best Workforce legislation. Our report provides stakeholders with updates in curriculum, instruction, and student achievement within the district. The plan's content aligns with current district initiatives, including the district strategic roadmap, district literacy plan, integration plan, Title I, II, and III plans, and site and department improvement plans. A summary of progress during the 2022-23 school year and an overview of the World's Best Workforce Plan for the 2023-2024 school year is included.

Sincerely,

Katie Baskin, Executive Director of Academics and Administrative Services

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## APS Strategic Plan

On April 11, 2022, after several months of work with staff and community members, the Austin School Board approved a new strategic plan. Our work will center on how students experience their education at Austin Public Schools. A big part of this process was thinking about the daily desired experience for our students, teachers, staff, and parents. We asked some big questions, including what our stakeholders want to experience in our district, how can we better serve our students, staff, and parents, and what defines a successful Austin Public Schools graduate. Here is what was shared with us:

Students:

- I am supported and challenged in my learning and believe I will be successful
- I feel that school is safe, and that school is challenging and fun
- I am an engaged learner at school and in our community

Staff:

- I am seen, valued, and respected for who I am and the work I do
- I receive the support and resources to do my job well, so I am able to create a healthy and safe learning environment
- I work in a district that is willing to adapt and change when necessary to best meet the needs of all students

Parents:

- I am part of my child's education and feel welcomed, valued, and respected as a family
- My child enjoys coming to school and is safe, included, and respected, so they are learning every day
- I am engaged in a partnership with my child's school, so I know what to do to help my child continue to grow and learn

**District Mission** (*Our core purpose*):

Inspire. Empower. Accelerate.

**District Vision** (*What we intend to create*):

Preparing all learners to make a difference in the world.

**Core Values** (*Drivers of our words and actions*):

Responsible: demonstrates accountability to self and others

Resilient: develops perseverance and self-confidence

Learner: challenges self to think critically

Communicator: listens actively and shares learning and experiences

Contributor: engages as a productive member of the community and global society

**Strategic Directions** (*drivers of our continuous improvement*):

- A. Support and resources to ensure a safe and welcoming learning environment
- B. Packer Profile for all students
- C. District-wide multi-tiered systems of supports for all learners
- D. Excellence in resource management

## Section 1: WBWF Goals and Actions for Instruction and Student Achievement

The Austin Public Schools (APS) strategic priorities and strategies aligned to these strategic priorities provide director and focus for APS to address the WBWF goal areas. APS utilizes the Teamworks International process for strategic planning. This process allows APS to identify strategies under three different stages: learning work, implementation work, and standard work. All professional development activities and district budget strategies align to support the strategic priorities in working towards the WBWF goal areas.

### Goal Area 1: All children are ready for school.

Review of School Year 2022-23	Plan for School Year 2023-24
<p><b>Goal for 2022-23</b> Increase the percentage of students entering kindergarten who meet benchmark as measured by Star360 Early Literacy from 40.1% in 2022 to 42.1% in 2023.</p>	<p><b>Goal for 2023-24</b> Increase the percentage of students entering kindergarten who meet benchmark as measured by Star360 Early Literacy from 33.2% in 2023 to 37.1% in 2023.</p>
<p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• Work with students and families from B to 5 and with all organizations that serve children.</li> <li>• Preschool collaborative</li> <li>• Early childhood screening efforts and child find</li> <li>• <i>Aligning our pre-school program with our Kindergarten expectations</i></li> <li>• <i>Ensuring vertical alignment through PLC work</i></li> </ul>	<p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• Strategic Priority A: Support and resources to ensure a safe and welcoming learning environment. <ul style="list-style-type: none"> <li>○ Instructional Coaching aligned to literacy professional development planning</li> <li>○ ECSE/Preschool Model Shift</li> </ul> </li> <li>• Strategic Priority B: Packer Profile for all learners. <ul style="list-style-type: none"> <li>○ Scope and Sequence Alignment and Implementation for Ready to Advance/TS Gold</li> <li>○ Developmentally appropriate practices with play through learning</li> </ul> </li> <li>• Strategic Priority C: District-wide multi-tiered systems of support for all learners. <ul style="list-style-type: none"> <li>○ Program wide implementation of district-wide multi-tiered systems of supports</li> <li>○ Align literacy, phonemic awareness, and phonics instruction with best practices</li> <li>○ Cohesive data gathering tools with K-4 in APS (EC-SWIS)</li> <li>○ Pyramid model implementation and coaching across early childhood programs</li> <li>○ Early childhood screening for all students prior to kindergarten</li> </ul> </li> <li>• Strategic Priority D: Excellence in resources management. <ul style="list-style-type: none"> <li>○ Focus on enrollment capture strategies beginning with ECSE classes, screening, and preschool</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ VPK and Pathways Scholarship funding recipients from MDE for no cost preschool experience for most students enrolled in APS preschool</li> </ul>
<b>Progress</b> 2018: 39.2% (FASTBridge earlyReading) 2019: 46.9% (FASTBridge earlyReading) 2020: 38.8% (FASTBridge earlyReading) 2021: 40.4% (FASTBridge earlyReading) 2022: 40.1% (Star360 EarlyLiteracy) 2023: 33.2% (Star360 EarlyLiteracy)	

**Goal Area 2: All third graders can read at grade level**

*\*Due to legislative changes, third grade reading is no longer a WBWF goal area as of the 2023–24 school year*

<b>Review of School Year 2022-23</b>	<b>Plan for School Year 2023-24</b>
<b>Goal for 2022-23</b> Increase the percentage of students 3rd Grade students proficient on the MCA Reading assessment from 33.7% in 2022 to 36.3% in 2023.	<b>Goal for 2023-24</b> Increase the percentage of 3rd Grade students proficient on the MCA Reading assessment from 35.3% in 2023 to 37.4% in 2024.
<b>Actions</b> <ul style="list-style-type: none"> <li>• Work on K-5 reading</li> <li>• Star360 Curriculum Based Measures for fluency and diagnostic</li> <li>• Star Reading Computer Adaptive Test for Comprehension</li> <li>• Multitiered System of Supports</li> <li>• <i>Aligning our proficiency benchmark scores to College and Career Readiness</i></li> <li>• <i>Communicating clear proficiency benchmarks for end of year proficiency</i></li> <li>• <i>Creating an instructional framework that outlines instructional expectations</i></li> <li>• <i>Creating clear and focused End of Year Expectations</i></li> <li>• <i>Developing a data infrastructure so teachers have easy access to the data they need to make instructional decisions</i></li> </ul>	<b>Actions</b> <ul style="list-style-type: none"> <li>• Strategic Priority A: Support and resources to ensure a safe and welcoming learning environment.             <ul style="list-style-type: none"> <li>○ Instructional Coaching Cycles focused on literacy instruction</li> <li>○ professional learning for staff</li> <li>○ Implementation of behavior interventionists to support students in classrooms</li> </ul> </li> <li>• Strategic Priority B: Packer Profile for all learners.             <ul style="list-style-type: none"> <li>○ Application planning for the Packer Profile K-4. Alignment of core values to strengthen meaningful learning experiences.</li> </ul> </li> <li>• Strategic Priority C: District-wide multi-tiered systems of support for all learners.             <ul style="list-style-type: none"> <li>○ PLC’s focus on literacy alignment, standards analysis, and phonics instruction</li> <li>○ School MTSS teams focus of data literacy and implementation of Tier I and II curricular alignment</li> <li>○ PBIS Implementation – SWIS data implementation and analysis</li> <li>○ LETRS training for SPED staff and phonics professional learning for all K-4 staff</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Strategic Priority D: Excellence in resources management. <ul style="list-style-type: none"> <li>○ Evaluate curriculum and purchase resources for teachers that align to the Science of Reading.</li> <li>○ Professional development for staff in alignment with the READ Act.</li> </ul> </li> </ul>
<p><b>Progress</b></p> <p>2018: 47.2%</p> <p>2019: 42.9%</p> <p>2020: N/A - COVID</p> <p>2021: 32.4%</p> <p>2022: 33.7%</p> <p>2023: 35.3%</p>	

**Goal Area 3: All racial and economic gaps between students are closed.**

Review of School Year 2022-23	Plan for School Year 2023-24
<p><b>Goal #1 for 2022-23</b> We will increase the number of special education students who meet or exceed proficiency in Reading by 5% or more, as measured by the 2023 MCA Reading test, going from 15.0% to 20.0%.</p> <p><b>Goal #2 for 2022-23</b> We will increase the proficiency of each of the following subgroups of students by 5% or more as measured by the 2023 MCA Reading and Math test.</p>	<p><b>Goal #1 for 2023-24</b> We will increase the number of special education students who meet or exceed proficiency in Reading by 5% or more, as measured by the 2024 MCA Reading test, going from 17.8% to 22.8%.</p> <p><b>Goal #2 for 2023-24</b> We will increase the proficiency of each of the following subgroups of students by 5% or more as measured by the 2024 MCA Reading and Math test.</p>
<p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• Young Scholars</li> <li>• Project E3</li> <li>• Success Coaches</li> <li>• Site Equity Teams</li> <li>• <i>Working to ensure ALL students are being taught grade-level standards and are assessed on those standards</i></li> <li>• <i>English Language Learner teacher working with any students whose first language is not English</i></li> <li>• <i>Personalized Learning Plan for our most at-risk learners</i></li> <li>• <i>Ensuring teachers have the data they need to make instructional decisions for all subgroups of students</i></li> </ul>	<p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• Strategic Priority A: Support and resources to ensure a safe and welcoming learning environment. <ul style="list-style-type: none"> <li>○ Instructional Coaching focused on math and literacy instruction</li> <li>○ Focus on AVID instructional strategies 7-12</li> <li>○ Teacher mentorship program realigned to district instructional model – focused on engagement and equity</li> </ul> </li> <li>• Strategic Priority B: Packer Profile for all learners. <ul style="list-style-type: none"> <li>○ Pathways to community engage for extended school year programming</li> <li>○ Work to build more diverse extension opportunities for students – Project E3, Young Scholars</li> </ul> </li> <li>• Strategic Priority C: District-wide multi-tiered systems of support for all learners. <ul style="list-style-type: none"> <li>○ Professional development for all staff in best practice SIOP strategies</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ School MTSS teams focus of data literacy and implementation of Tier I and II curricular alignment</li> <li>○ Focused instructional model for extended day programming</li> <li>○ Early Warning System implementation for intervention design</li> <li>● Strategic Priority D: Excellence in resources management. <ul style="list-style-type: none"> <li>○ Enrollment strategies to support our families with socio-economic needs</li> </ul> </li> </ul>
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<p>Progress</p> <p><b>Goal #1 Progress:</b>  2018: 22.1% Proficiency on Reading  2019: 21.8% Proficiency on Reading  2020: N/A - COVID  2021: 18.0% Proficiency on Reading  2022: 15.0% Proficiency on Reading  2023: 17.8% Proficiency on Reading</p> <p><b>Goal #2 Progress:</b>  <i>F/RL Reading Results</i>  2018: 35.3% Proficiency on Reading  2019: 32.9% Proficiency on Reading  2020: N/A - COVID  2021: 25.1% Proficiency on Reading  2022: 24.9% Proficiency on Reading  2023: 28.4% Proficiency on Reading</p> <p><i>F/RL Math Results</i>  2018: 33.1% Proficiency on Math  2019: 25.2% Proficiency on Math  2020: N/A - COVID  2021: 13.8% Proficiency on Math  2022: 16.6% Proficiency on Math  2023: 19.0% Proficiency on Math</p> <p><i>Minority Groups (Students of Color) Reading Results</i>  2018: 35.5% Proficiency on Reading  2019: 32.5% Proficiency on Reading  2020: N/A - COVID  2021: 26.8% Proficiency on Reading  2022: 27.1% Proficiency on Reading  2023: 27.4% Proficiency on Reading</p>	
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**Goal Area 4: All students are ready for career and college.**

Review of School Year 2022-23	Plan for School Year 2023-24
<p><b>Goal for 2022-23</b> By the spring of 2022, 17% of all students assessed will have met CCR benchmarks in all four subject areas as measured by 2022 ACT, going from 14% to 17%.</p>	<p><b>Goal for 2023-24</b> By the spring of 2024, 19% of all students assessed will have met CCR benchmarks in all four subject areas as measured by 2024 ACT, going from 16% to 19%.</p>
<p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• AVID</li> <li>• REACH</li> <li>• Step Up</li> <li>• On Track Work Experience Lab</li> <li>• Wallin Scholarships</li> <li>• ACT for all</li> <li>• Be Your Best</li> <li>• Cycles for Success</li> <li>• <i>Creation of student portfolios that outline a students' College and Career Readiness</i></li> <li>• <i>Continuing our efforts to develop online and blended courses to meet the needs of all students</i></li> <li>• <i>Providing opportunities for our students to learn 21st-century skills that prepare them for our future</i></li> <li>• <i>Increasing AP, College Now and PSEO opportunities for students</i></li> <li>• <i>Finding more opportunities for outside internships</i></li> </ul>	<p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• Strategic Priority A: Support and resources to ensure a safe and welcoming learning environment. <ul style="list-style-type: none"> <li>○ Grow Your Own program development with all stake holders</li> <li>○ AVID programming and strategies for the acceleration of learners</li> <li>○ REACH programming for students</li> </ul> </li> <li>• Strategic Priority B: Packer Profile for all learners. <ul style="list-style-type: none"> <li>○ Focus on meaningful learning experiences in development of the Packer Profile</li> <li>○ Engage community partners to provide experiences for our students and staff in careers</li> <li>○ Internship and work-experience opportunities for students</li> <li>○ Direct Admissions collaboration with the Office of Higher Education</li> </ul> </li> <li>• Strategic Priority C: District-wide multi-tiered systems of support for all learners. <ul style="list-style-type: none"> <li>○ Providing students opportunities to engage in and extend their learning in a college-going environment</li> <li>○ Developing course pathways aligned to areas of student interest and accelerating post-secondary pathways within the school system.</li> <li>○ Community partnerships to support students</li> </ul> </li> <li>• Strategic Priority D: Excellence in resources management. <ul style="list-style-type: none"> <li>○ Ensure staff have the resources they need to align strategic priorities</li> </ul> </li> </ul>
<p><b>Progress</b>  2018: 18% meet in all 4 areas  2019: 21% meet in all 4 areas  2020: 16% meet in all 4 areas  2021: 14% meet in all 4 areas  2022: 14% meet in all 4 areas  2023: 16% meet in all 4 areas  2024: TBA (October 2024)</p>	

**Goal Area 5: All students graduate from high school.**

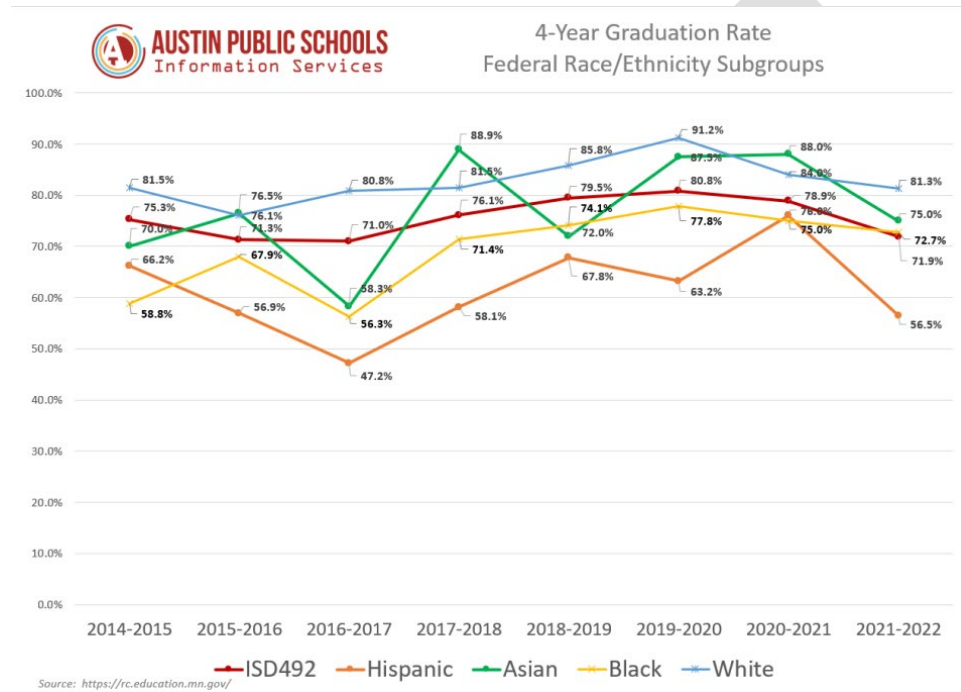
Review of School Year 2022-23	Plan for School Year 2023-24
<p><b>Goal for 2022-23</b>                      Maintain at or above 80% of eligible Austin Public School students will receive a diploma from Austin Public Schools as measured by the 2022 Graduation.</p>	<p><b>Goal for 2023-24</b>                      Maintain at or above 80% of eligible Austin Public School students will receive a diploma from Austin Public Schools as measured by the 2023 Graduation.</p>
<p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• AVID</li> <li>• REACH</li> <li>• ALC</li> <li>• <i>Ensuring we have opportunities for ALL students to be successful in Austin Public Schools</i></li> </ul>	<p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• Strategic Priority A: Support and resources to ensure a safe and welcoming learning environment.                             <ul style="list-style-type: none"> <li>○ Strengths Education work for staff</li> <li>○ Instructional coaching focused on literacy and curriculum implementation at 7-12</li> </ul> </li> <li>• Strategic Priority B: Packer Profile for all learners.                             <ul style="list-style-type: none"> <li>○ K-12 focus on the Packer Profile integration and application within the content while connecting with community.</li> </ul> </li> <li>• Strategic Priority C: District-wide multi-tiered systems of support for all learners.                             <ul style="list-style-type: none"> <li>○ BARR Implementation at AHS</li> <li>○ PBIS focus on SEL and support of students needs</li> <li>○ AOA alignment to career interests and post-AHS experiences.</li> </ul> </li> <li>• Strategic Priority D: Excellence in resources management.                             <ul style="list-style-type: none"> <li>○ Resources aligned to AOA and AHS strategic initiatives to meet student need</li> </ul> </li> </ul>
<p><b>Progress</b>                      2017: 71.0%                      2018: 76.1%                      2019: 79.5%                      2020: 80.8%                      2021: 78.9%                      2022: 71.9%                      2023: TBD March 2024</p>	

## Achievement and Integration

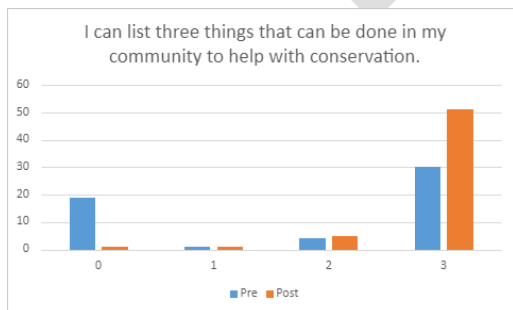
The purpose of the Achievement and Integration (A&I) for Minnesota program is to pursue racial and economic integration, increase student achievement, create equitable educational opportunities, and reduce academic disparities based on students' diverse racial, ethnic, and economic backgrounds in Minnesota public schools.

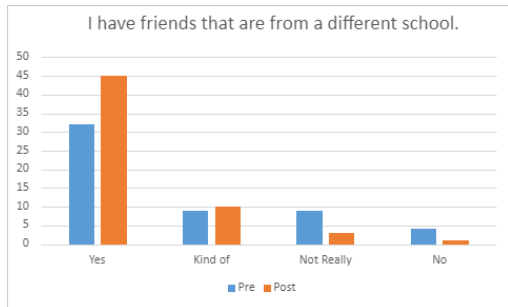
- [Read Minnesota Statutes, section 124D.861.](#)
- [Read Minnesota Statutes, section 124D.862.](#)
- Read Minnesota Rules, parts 3535.0100 to 3535.0180 of the [School Desegregation/Integration rules](#)

**Goal 1:** The graduation rate for Hispanic students in Austin Public Schools will increase from 59.2% in 2018 to 65% in 2023



**Goal 2:** Alliance for Educational Equity students participating in integration programs will self-report an increase in their level of comfort with initiating and maintaining positive relationships with students different from themselves (racially/ethnically diverse, socioeconomically) from an average comfort determined by a pre-survey in 2020 to an average comfort level of 4 out of 5 on a 5-point Likert scale, by the end of 2022-23 school year.





**Goal 3: Teacher Equity:** Austin Public Schools students’ access to effective educators trained in culturally responsive leadership will increase from 82 trained staff in March 2020 to 275 trained staff by 2023.

- Baseline: 82 staff
- 2020-2021: 125 total staff
- 2021-2022: 195 total staff
- 2022-2023: 271 total staff

**Goal 4: RIS Goal:** The disparity between non-white student enrollment at Sumner elementary (87.5%) and the average non-white student enrollment in grade-alike buildings in Austin Public Schools (54.8%) is 32.7%. This enrollment disparity will be reduced to 20% by 2023

- Actual Data 2022-2023  
Sumner: 87.1%  
APS grade-alike buildings: 51.4%  
Disparity: 35.7%

The Achievement Integration goals for the 2024-2026 plan are as follows:

- **Goal 1:** The percentage of students able to identify career pathways related to the integrated STEM enrichment activities they are participating in will increase from a baseline of 0% in 2023-2024 to 90% in 2025-26.
- **Goal 2:** The graduation rate for Black/African American students in Austin Public Schools will increase from 75.0% in 2021 to ≥ 80.0% in 2026.
- **Goal 3:** Student responses to Minnesota Student Survey questions assessing teacher/student relationships will increase to reflect 90% or higher rate of students responding agree/strongly agree. (See KIPs for baseline data regarding specific questions.)
- **RIS Goal 1 (Sumner Elementary):** The disparity between non-white student enrollment at Sumner elementary (90.6%) and the average non-white student enrollment in grade-alike buildings in Austin public schools (57.1%) is 33.5%. This enrollment disparity will be reduced to 17% by 2026.
- **RIS Goal 2:** The Student Growth Percentile (SGP) measure for Hispanic students at Sumner Elementary on the STAR Reading Assessment from fall to spring will increase from 47.9% in Spring 2022 to ≥ 50.0% in Spring 2026.
- **RIS Goal 3:** Students at Sumner Elementary will have access to educators trained in culturally competent instructional practices through ongoing professional development initiatives to ensure that at least 95% of staff have been trained in culturally responsive practices.

## Section II: Assessing and Evaluating Student Progress

Student progress toward meeting state and local academic standards are done through the examination of student data during data meetings and at the individual classroom level. Corresponding adjustments in curriculum and instruction are made as well as intervention necessary are implemented.

Assessment is an ongoing process which includes screening, progress monitoring and diagnostic assessments.

Standardized assessments such as the Minnesota Comprehensive Assessment-III (MCA-III), Pre-ACT assessment, and ACT assessments, are administered yearly. The MCA-III assessments are administered to students in reading (grades 3-8, 10), mathematics (grades 3-8, 11) and science (grades 5, 8 & 10) in the spring. The Pre-ACT is administered in reading, math, English, and science to students in grade 10, and the ACT is administered to students in grades 11-12. Data from these assessments are used to determine if students are on-track to develop the skills necessary to succeed in entry-level college courses by the time they leave high school.

District wide benchmark screening assessments are given three times yearly. All students in kindergarten through grade 8 are assessed in September, January and May using Star Reading and Math Assessments.

Curriculum-based assessments (i.e. common summative and formative assessments) are administered to assess students' growth toward local, state, and national standards in grades K-12. These assessments are aligned to the standards and data is used to make instructional decisions. Likewise, data is used to determine whether students have acquired the knowledge and skills to be on-track to meet grade level student achievement benchmarks.

Based on student data, more diagnostic assessment is sometimes necessary. Some students whose assessment data shows them to be at-risk for reading difficulty are assessed individually with the PRESS Inventory, or STAR Assessment to determine appropriate intervention placement and instruction.

All students who are receiving strategic (Tier II) or intensive (Tier III) interventions are progress monitored at least every two weeks, often weekly. The type of progress monitoring tool depends on the type of intervention the student is receiving. There are standard protocols for administering each of these progress monitoring assessments. Progress monitoring data are reviewed at least every six weeks, often more frequently, to determine the next steps in serving students. Some students may no longer need intervention, need a change in intervention, or be making expected growth with it. Teachers use this data alongside classroom measures to support changes to services.

	PreK	KG	1	2	3	4	5	6	7	8	9	10	11	12
Teaching Strategies Gold	●●●													
STAR CBM: Letter Sounds		●●												
STAR CBM: Phoneme Segmentation		●●	●●											
STAR CBM: Expressive Nonsense Words			●●●	●●										
STAR CBM: Passage Oral Reading			●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●
STAR Early Literacy <sup>Ⓢ</sup>		●●●	●●●											
STAR Reading <sup>Ⓢ</sup>			●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●
STAR Math <sup>Ⓢ</sup>			●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●
STAR CBM-P.M. Tools Reading/Mathematics		●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●	●●●			
CogAT: Cognitive Abilities Test			●			●		●						
ACCESS for EL's <sup>Ⓢ</sup>		■	■	■	■	■	■	■	■	■	■	■	■	■
MCA & MTAS: <sup>Ⓢ</sup> Reading					+	+	+	+	+	+		+		
MCA & MTAS: <sup>Ⓢ</sup> Mathematics					+	+	+	+	+				+	
MCA & MTAS: <sup>Ⓢ</sup> Science							+			+		←+	+	
NAEP* (National Assessment of Ed Programs)						●				●				●
ACT <sup>Ⓢ</sup>													●	

- + - Required for federal and state accountability. Developed and administered by the state of MN (includes MCA's and SpEd Assessments).
- - Required for English Learners for federal Title III accountability. Used as exit criterion for state funding.
- - Denotes universal test administrations that occur multiple times per year (Fall, Winter, Spring).
- - Denotes targeted (specific students) test administrations that occur multiple times per year (Fall, Winter, Spring).
- \* - Not required annually, but through specific selection processes.

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## APS Grade Level Student Achievement Benchmarks

The Austin Public School District has established a system of benchmark target scores which link local assessments to predicted achievement on statewide assessments as well as college and career readiness. The charts below provide a consistent set of target scores for student performance across measures and time.

Table 2. Star Reading and Star Math Unified score equivalents for each MCA-III achievement level range

Star Reading Unified cut-score equivalents				
Grade	Does Not Meet	Partially Meets	Meets	Exceeds
3	< 950	950 – 982	983 – 1047	≥ 1048
4	< 982	982 – 1021	1022 – 1078	≥ 1079
5	< 997	997 – 1037	1038 – 1100	≥ 1101
6	< 1033	1033 – 1068	1069 – 1124	≥ 1125
7	< 1062	1062 – 1093	1094 – 1146	≥ 1147
8	< 1077	1077 – 1108	1109 – 1164	≥ 1165
Star Math Unified cut-score equivalents				
Grade	Does Not Meet	Partially Meets	Meets	Exceeds
3	< 939	939 – 972	973 – 1022	≥ 1023
4	< 984	984 – 1015	1016 – 1065	≥ 1066
5	< 1024	1024 – 1072	1073 – 1120	≥ 1121
6	< 1048	1048 – 1092	1093 – 1141	≥ 1142
7	< 1062	1062 – 1117	1118 – 1155	≥ 1156
8	< 1076	1076 – 1126	1127 – 1162	≥ 1163

## **Section III. Assessing and Evaluating Curriculum and Instruction**

### **Program Review and Curriculum Improvement**

The Program Review and Continuous Curriculum Improvement Cycles are designed to review curricular/program areas and provide continuous improvement for teaching and learning in Austin Public Schools with input from a variety of stakeholders including, staff, administration, students, families, school board, and community. In response to staff feedback, specific processes, schedule and clear articulation of curriculum review was imperative for all staff to know what is on the horizon while ensuring our recourses and curriculum were having the desired outcomes for our students.

The Curriculum and Program review system is divided into 2 cycles, a formal program review cycle and an implementation/continuous improvement cycle. These cycles are based on years and the curriculum purchase cycle but can be adjusted on need if a curricular areas/programs is not meeting their intended outcomes, if there is a MN standards revision, or a change in MN assessments.

The Continuous Curriculum Improvement Cycle consists of an ongoing process of implementation evaluation and consideration of whether the program is meeting intended outcomes. Departments will work through this model of continuous improvement throughout their curriculum and instruction cycle.

1. Program Installation-1st year of implementation
2. Early Program Implementation
3. Full Program Implementation
4. Program Sustainability-Program implementation is considered standard work

### **Curriculum Review, Selection, and Implementation**

APS employs a comprehensive system to periodically review and evaluate the effectiveness of all district curriculum and instruction. The primary goal is to develop and guaranteed and viable curriculum. This is one in which the agreed upon essential content and skills are covered within adequate instructional time. The review involves teacher collaboration, parent/community input, reflective inquiry, and decision making based on best practices, current research, district data, and state/federal mandates.

The following process occurs over a 2-4 year process within a content area:

Phase/Timeline	Team Members	Process
Program Evaluation	<ul style="list-style-type: none"> <li>• T&amp;L</li> </ul>	<p align="center"><b>Graduation Requirements and Staffing</b></p> <p>Gather graduation requirements, staff allocations, and licensing information.</p>
Program Evaluation	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Department Chair</li> <li>• Building Admin</li> </ul>	<p align="center"><b>Curriculum Adoption and Implementation</b></p> <p>Review the stages of the curriculum adoption process:</p> <ul style="list-style-type: none"> <li>• Curriculum Evaluation</li> <li>• Design</li> <li>• Purchase</li> <li>• Implementation</li> <li>• Sustainment</li> </ul>
Program Evaluation	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Department Members</li> </ul>	<p align="center"><b>Course Overview</b></p> <p>Review courses offered including course description, materials used, instructional time, and students who take the course.</p>
Program Evaluation	<ul style="list-style-type: none"> <li>• Director of Information Services</li> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Department Members</li> </ul>	<p align="center"><b>Changes in Programming</b></p> <p>Review changes in your program since you last adopted curriculum. This may include changes in standards, co-teaching, new course offerings, etc.</p>
Program Evaluation	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Department Members</li> </ul>	<p align="center"><b>Data Presentation</b></p> <p>Presentation on district demographic data and academic performance.</p>
Program Evaluation	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Department Members</li> </ul>	<p align="center"><b>Instructional Frameworks, Practices, and Strategies</b></p> <p>Review and discuss instructional practices including reading, writing, assessment, and collaboration.</p>
Program Evaluation	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Department Members</li> </ul>	<p align="center"><b>Stakeholder Feedback</b></p> <p>Gather information from students about their learning experience in the content area.</p> <p>Gather input from the World Best Workforce about learning experience in the content area.</p>
Program Design	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Department Members</li> </ul>	<p align="center"><b>Current Literature and Research</b></p> <p>Read and discuss current research in equity and the content area.</p>
Program Design	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Department Members</li> </ul>	<p align="center"><b>Standards Review and Alignment</b></p> <p>Review the standards and benchmarks.</p> <p>Write I can statements to clearly articulate what students need to be able to know and do.</p> <p>Align standards and benchmarks to units of study.</p>
Program Design	<ul style="list-style-type: none"> <li>• T&amp;L</li> </ul>	<p align="center"><b>Guiding Change</b></p>

	<ul style="list-style-type: none"> <li>• Instructional Coach</li> <li>• Tech Integrationist</li> <li>• Department Chair</li> <li>• Department Members</li> <li>• Building Admin</li> <li>• Tech Services</li> <li>• Info Services</li> </ul>	Review and determine current context (all the work up to this point), desired results, and unacceptable means that need to be considered as we review and purchase curriculum.
Program Design	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Tech Integrationist</li> <li>• Department Chair</li> <li>• Department Members</li> <li>• Building Admin</li> <li>• Business Office</li> </ul>	<p style="text-align: center;"><b>Curriculum and Materials to Consider</b></p> <p>List curriculum that we would like to review in the process including information from other districts and links to the materials. Engage the business office in a conversation about using Spend Bridge for cost effective purchasing.</p>
Program Design	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Tech Services</li> <li>• Info Services</li> <li>• Building Admin</li> </ul>	<p style="text-align: center;"><b>Curriculum Review</b></p> <p>Vet resources using Ed Reports, What Works Clearinghouse and other resources. Determine if the curriculum technology is compliant with the district. Make recommendations for products to be reviewed. Engage business office and Spend Bridge in selection/purchase conversations.</p>
Program Design	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Tech Integrationist</li> <li>• Department Chair</li> <li>• Department Members</li> <li>• Building Admin</li> <li>• Tech Services</li> <li>• Info Services</li> <li>• Business Office</li> </ul>	<p style="text-align: center;"><b>Curriculum Presentations</b></p> <p>Schedule presentations Debrief the presentations and make recommendations for moving forward. Possible unit or lesson pilots of the curriculum. Engage business office and Spend Bridge in selection/purchase conversations.</p>
Program Design	<ul style="list-style-type: none"> <li>• T&amp;L</li> </ul>	<p style="text-align: center;"><b>World's Best Workforce</b></p> <p>Review information about the curriculum presentations, gather feedback, and share next steps.</p>
Implementation Plan and Purchase	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Tech Integrationist</li> <li>• Department Chair</li> <li>• Building Admin</li> <li>• Tech Services</li> <li>• Info Services</li> <li>• Business Office</li> </ul>	<p style="text-align: center;"><b>Selection and Purchase</b></p> <p>Engage business office and Spend Bridge in selection/purchase conversations.  Determine which curriculum will be purchased and the number of materials.  Finalize purchase agreements.</p>

		<p>Determine technology needs, apps, programs etc. that need to be added to the computer image or software center.</p> <p>Update budget worksheet to track expenses.</p>
Implementation Plan and Purchase	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Tech Integrationist</li> <li>• Department Chair</li> <li>• Department Members</li> <li>• Building Admin</li> </ul>	<p><b>Professional Development and Curriculum Writing</b></p> <p>Determine content specific professional development needs and schedule time.</p> <p>Departments may request district curriculum writing time/funds. Use linked forms.</p> <p>Completed curriculum writing should be turned into the principal and T&amp;L. Work completed will be added to the T&amp;L curriculum website.</p>
Implementation Plan and Purchase	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Tech Integrationist</li> <li>• Department Chair</li> <li>• Department Members</li> <li>• Building Admin</li> </ul>	<p><b>Collect Old Materials</b></p> <p>Collect and box up all old materials. Including the inventory list to see if any materials can be sold.</p> <p>Determine what existing or old technology will not be needed or used. Work with tech integrationist to remove these items from the image or software center.</p>
Early Implementation	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Tech Integrationist</li> <li>• Department Chair</li> <li>• Department Members</li> <li>• Building Admin</li> </ul>	<p><b>Unit Planning</b></p> <p>Unit planning may include developing scope and sequence, standards and benchmark alignment, and unit planning. Complete documents will be added to the T&amp;L curriculum website.</p>
Early Implementation	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Tech Integrationist</li> <li>• Department Chair</li> <li>• Department Members</li> <li>• Building Admin</li> </ul>	<p><b>Curriculum Implementation</b></p> <p>Write, update, and reflect on unit plans. What is working, what needs to be adjusted? How do you know?</p> <p>Develop common formative and summative assessments.</p> <p>Identify and align resources – core and supplemental intervention.</p> <p>Identify outcomes to measure curriculum, instruction, and program effectiveness. What data will be collected?</p>
Full Implementation	<ul style="list-style-type: none"> <li>• T&amp;L</li> <li>• Instructional Coach</li> <li>• Tech Integrationist</li> <li>• Department Chair</li> <li>• Department Members</li> <li>• Building Admin</li> </ul>	<p><b>Implementation</b></p> <p>Review data and monitor progress of curriculum, instruction, and program effectiveness data.</p> <p>What does the data tell us? What adjustments might need to be made (instructional approaches, professional development, resources)?</p> <p>Identify any professional development needs and schedule.</p>
Sustainment	<ul style="list-style-type: none"> <li>• T&amp;L</li> </ul>	<p><b>Sustainment</b></p>

	<ul style="list-style-type: none"> <li>• Instructional Coach</li> <li>• Tech Integrationist</li> <li>• Department Chair</li> <li>• Department Members</li> <li>• Building Admin</li> </ul>	<p>Review data and monitor progress of curriculum, instruction, and program effectiveness data.</p> <p>What does the data tell us? What adjustments might need to be made (instructional approaches, professional development, resources)?</p> <p>Identify any professional development needs and schedule.</p>
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**Selection of Instructional Materials**

Austin Public Schools have policies and procedures for the selection of textbooks and other curriculum materials. This process includes regular feedback and guidance from the World’s Best Workforce to gather input and direction within the selection process. The school board recognizes differences of opinion on the part of some members of the school district community relating to certain areas of the instruction program. Interested persons may request an opportunity to review materials and submit a request for reconsideration of the use of certain textbooks or instructional materials. Contact the Office of Teaching and Learning at 507-460-1912 for more information.

**Principal and Teacher Evaluation Process**

APS has a comprehensive principal and teacher evaluation system as a part of the continuous improvement model.

The purpose of the teacher evaluation system is to foster teacher growth, articulate expectations, assess performance in the instructional domain, and develop staff to ensure high levels of learning for all students. The evaluation system includes an individual growth and development plan with annual goal setting, peer review, and formal evaluation. Professional development through PLC’s and instructional coaching provides teachers with training in the instructional model and support implementing high impact instructional strategies.

The purpose of the principal evaluation system is to continue development for principals in the five domains of leadership and ensure the APS excels at the highest level. The Superintendent evaluates principals on school performance data, state and school performance measures, and progress in their site improvement plan processes.

## IV. Strategies for Improving Instruction and Curriculum

### APS Staff Development Goals

The WBWF is charged with reviewing the district operational plan that drives each site improvement plans which articulate the aligned professional development goals for APS. Ultimately, professional development is intended to improve instruction and ultimately student achievement. The district operational plan consists of learning work and implementation work that are the “doing” tasks driving professional development across the system. Learning Work are the items members of the system will learn about over the course of the year to determine if they are aligned with the strategic priorities for implementation. Implementation Work Change Readiness and Management are those elements that will prepare the system to change course and are moving from learning to action. Professional learning occurs throughout the implementation process to work towards standard.

Below are the Strategic Directions and Staff Development / Professional Learning:

- Strategic Direction A: Support and resources to ensure a safe and welcoming learning environment
  - Learning Work – Professional Learning
    - Onboarding and support programs for all staff (teachers, paras, food service, admin, etc)
    - Recruitment and retention of staff of color
    - Staff engagement/satisfaction survey—to also give metric for strengths implementation
    - Instructional Coaching Cycles
    - Staff evaluation processes linked to new strategic plan and core values
  - Implementation Work Change Readiness and Management – Professional Learning
    - Instructional Coaching – Literacy and Math instruction
    - Strengths Education work for staff
    - Teacher Mentorship design and implementation
  - Human Resources practices and procedures aligned to Core Values for teachers
- Strategic Direction B: Packer Profile for all students
  - Learning Work Professional Learning
    - 5-12 Meaningful Learning Experiences
    - Core Values relationships with meaningful learning
    - Beyond the Bell – pathways to community, summer programming, afterschool experiences
    - What does the PP mean for K-4?
  - Implementation Work Change Readiness and Management – Professional Learning
    - 5-12 Pathway considerations and work toward articulation
    - 9-12 Packer Portfolio development
    - APS Instructional model and Packer Profile
- Strategic Direction C: District-wide multi-tiered systems of supports for all learners
  - Learning Work Professional Learning
    - Effective Tier 1 Instruction
    - Phonics instruction
    - 5-12 Writing Instructional Framework
    - Grading and Reporting – Weights and K-12 system of G and R teaching
    - Restorative Practices Training
    - BARR for 9-12—learning work for staff
  - Implementation Work Change Readiness and Management – Professional Learning
    - MTSS School Team – PLC’s Initial Implementation – common structure throughout the district. PLC+ Model to focus Tier 1 Instruction - continuous curriculum improvement
    - Literacy Curriculum Alignment - T1, T2 and T3

- Effective Tier 1 Instruction
- K-4 Phonics Instruction
- 5-12 Writing Instructional Framework
- Advanced Academics – MTSS implications for practice
- Math Programming – course alignment, standards articulation
- Grading and Reporting – Retakes and work completion timelines
- PBIS Implementation and SWIS implementation for buildings new to PBIS
- ADSIS Behavior Interventionists K-4
- LETRS Professional Learning Integration cohort 1 (Elem SPED teachers) Units 5-8
- Early Warning System
- Strategic Direction D: Excellence in resource management
  - Learning Work Professional Learning
    - Enrollment Capture – School of Choice
    - Technology Inventory Management
    - PTA Resource Alignment
  - Implementation Work Change Readiness and Management – Professional Learning
    - Enrollment Capture Strategies
    - Technology Inventory Management
    - PTA Resource Alignment
    - Enrollment Capture Strategies
    - Technology Inventory Management
    - Facilities Planning
    - Insurance Committee implementation
    - Staffing Model Transparency
    - School Fees alignment at PreK-4

## Teaching and Learning Instructional Model

Guided by stakeholder feedback from our Teaching and Learning Analysis as well as the Desired Daily Experience stakeholder feedback guided by strategic planning, the Austin Public Schools Instructional Model was reconstructed to illuminate the values, beliefs and needs to support the cohesion of teaching and learning across the district.

The 4 elements at the center of the model are identified by stakeholders as both wants and needs for our teaching and learning focus.

- **Engagement** describes the attention, curiosity, interests, optimism and passion that both students and staff want from their interactions in the learning environment.
- **Environment** includes a safe and supportive space where teaching, learning and movement are of importance and attended to in all forms and functions.
- **Equity** includes four dimensions (Access, Achievement, Identity and Power) as powerful levers for creating caring, just, inclusive and healthy communities that support all individuals in reaching their fullest potential.
- **Evidence** provides information for teachers and students to focus their teaching and learning to improve student understanding and tailor teaching strategies to accelerate student achievement.

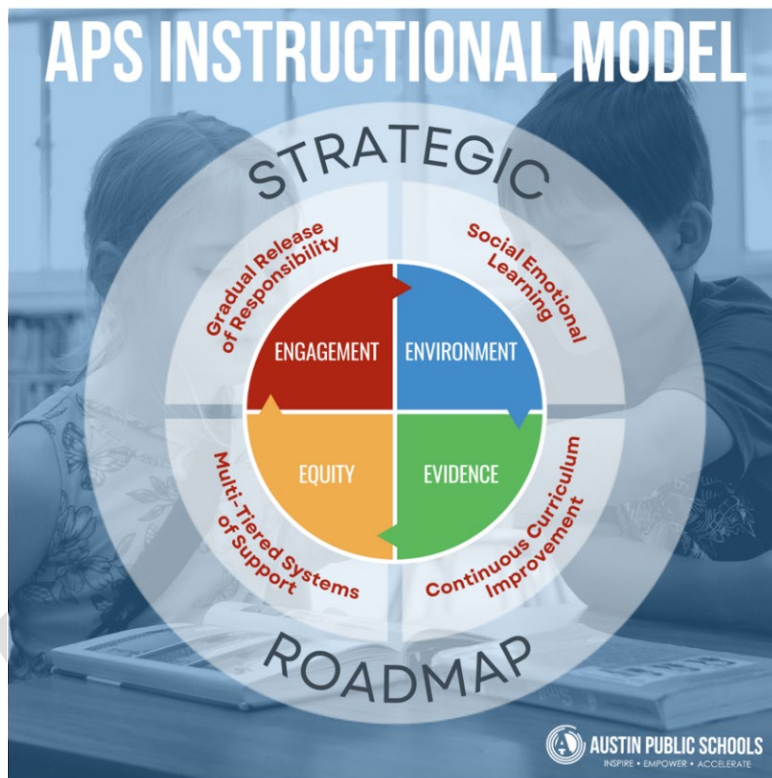
In each of these elements, APS will focus on 4 educational frameworks to guide teaching and learning decision-making and strategy development. All practices intersect with the 4 elements at the center of our model and will be guided by the APS Strategic Roadmap as we progress in the learning and implementation work.

*Gradual Release of Responsibility* – an instructional model that shifts the cognitive work slowly and intentionally from the teacher to the student.

*Social Emotional Learning* – a process of acquiring knowledge, skills and attitudes to develop healthy identities, achieve goals, and establish relationships.

*Continuous Curriculum Improvement* – an ongoing process of curriculum implementation where teachers review unit design, assessments, and student data.

*Multi-Tiered Systems of Supports* – a proactive approach to ensuring all students have access to high-quality instruction and interventions to meet their needs.



## Continuous Improvement Elements

The Continuous Curriculum Improvement Cycle consists of an ongoing process of implementation evaluation and consideration of whether the program is meeting intended outcomes. Within the phases cycle of implementation, continuous improvement and design of the curriculum occurs through the following elements:

- ❖ Standards Alignment
  - It is important the curriculum is aligned to standards down to the benchmark level to ensure that students can access the content and skills outlined in those standards.
- ❖ Scope and Sequence / Pacing
  - An overview of the key concepts or units addressed in a program is essential to progress students with content.
- ❖ Teacher Does / Student Does (Look fors and Implementation Expectations)
  - Clear statements that describe an observable teaching or learning behavior, strategy, outcome product or procedure. These behaviors guide implementation and delivery expectations for the curriculum system.
- ❖ Unit Plan Development using Backwards Planning
  - Backwards Planning: An instructional planning approach where students intimately understand the curriculum that starts with the end goal, then works backward to plan lessons and experiences.
  - Unit Plan: A purposeful, clear, articulation of what will be taught, the purpose of the content, the strategies and assessments utilized, and learning experience students will engage in. Unit Plans are often developed during early program implementation when staff have taken an initial run at the curriculum to develop it further.
- ❖ PLC's
  - PLC's grounded in four cross-cutting themes—a focus on equity of access and opportunity, high expectations for all students, a commitment to building individual self-efficacy and the collective efficacy of the professional learning community and effective team activation and facilitation to move from discussion to action. The PLC framework supports educators in considering five essential questions as they work together to improve student learning:
    - Where are we going?
    - Where are we now?
    - How do we move learning forward?
    - What did we learn today?
    - Who benefited and who did not benefit?

## Annual Budget

General fund dollars are allocated to support the strategic plan. Site and district professional development dollars support the strategies identified. Working in collaboration with Title I, II, III and IV, Achievement and Integration Grant, and District Staff Development funds, a budget is formulated to support the implementation of the teaching and learning framework and strategic plan striving to achieve the goals in the district strategic priorities and the World's Best Workforce plan.

## **Section V: Meeting the Academic Needs of High Performing Students**

At Austin Public Schools, our mission is to Inspire, Empower, and Accelerate every one of our learners. The Gifted Services for Talent Development program works to support that mission by recognizing and challenging intellectually gifted and academically talented learners to meet individual academic and affective learning needs.

At Austin Public Schools, our vision is to prepare all learners to make a difference in the world. The Gifted Services for Talent Development program supports that vision by working to be a leader in providing a rigorous continuum of services for intellectually gifted and academically talented learners and a resource to districts and stakeholders, being the catalyst that will challenge and develop tenacious learners and the staff who persevere to serve them.

Our district model for instruction is based on a multi-tiered system of supports. All students receive standards-based core instruction in their classrooms. Teachers differentiate instruction to meet the needs within their classrooms. Tier 2 is designed to give additional targeted instruction for students who need enrichment interventions. Examples of this include pull-out/push-in groups that work on math, reading, or critical thinking skills. There are a few students who need something different than grade-level curriculum. In these cases, a team collaborates to develop an appropriate plan for the student.

### **Early Entrance to Kindergarten**

The school board will allow early school entrance and grade acceleration. The following steps will be followed prior to the school district's decision regarding each individual student case. Students who have met the criteria set by the Austin Public Schools will be allowed to enter kindergarten early. The decision made by the administration shall be final.

1. The parent initiates the request with the elementary principal in whose attendance area the child resides. All requests should be submitted by April 1. Parents will be notified regarding the dispensation of the request no later than June 15.
2. The building principal will arrange a pre-assessment interview involving himself/herself, the central office designee, the parent, and a kindergarten teacher. The primary purpose of the interview is to assemble data on the child such as the child's birth date, preschool experiences, and any other information which might be needed in order to arrive at an eventual decision.
3. The parents may be asked to provide a psychologist's recommendation based on achievement and ability testing. The parents are responsible for all costs incurred to secure the recommendation.
4. After the parent has submitted the necessary data to the building principal, the principal, teacher, and central office designee will meet to determine the findings of the collected data and to make a decision regarding the request for early entrance.
5. The building principal and central office designee will then meet with the parent and relate their decision.

### **OR**

6. The child does not meet the age requirement for kindergarten but has transferred from a state in which he/she did meet the age requirements and was previously enrolled. The parent will need to provide verification of enrollment from the previous district.

## Grade Acceleration

Students who have met the criteria set by the Austin Public Schools will be allowed to accelerate.

It is the procedure of the Austin Public Schools to allow grade acceleration providing that the elementary and middle school student meets the following criteria:

1. The parent initiates the request with the building principal in whose attendance area the child resides. All requests should be submitted by April 1. Parents will be notified regarding the dispensation of the request no later than June 15.
2. The building principal will arrange a meeting with himself/herself, the parent, the student's teacher(s), the central office designee and, if applicable, the building principal of the next level.
3. The purpose of the meeting will be to gather data regarding the student's current achievement and abilities. It may be necessary to request further testing in order to make a decision. If that is the case, the parent is responsible for any costs incurred in this process.
4. After all necessary data has been collected the building principal, teacher(s), and the central office designee will make a decision as to whether the student shall be accelerated. The building principal is responsible for communicating the decision to the parent.
5. If the student meets the criteria set by the district, it will be necessary for the student to demonstrate competencies of the grade level(s) that will be missed.

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

MSBA/MASA Model Policy 413

Orig. 1995

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

Rev. 2023

## **413 HARASSMENT AND VIOLENCE**

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

### **I. PURPOSE**

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

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

- A. The policy of the school district is to maintain a learning and working environment free from harassment and violence on the basis of Protected Class. The school district prohibits any form of harassment or violence on the basis of Protected Class.
- B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's Protected Class, as defined by this policy. (For purposes of this policy, school district personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)
- C. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's Protected Class.
- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's Protected Class, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel found to have violated this policy.

### **III. DEFINITIONS**

- A. "Assault" is:
1. an act done with intent to cause fear in another of immediate bodily harm or death;
  2. the intentional infliction of or attempt to inflict bodily harm upon another; or
  3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, when the conduct:
1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  3. otherwise adversely affects an individual's employment or academic opportunities.
- [Note: In 2023, the Minnesota legislature revised the definition of "sexual orientation" in the Minnesota Human Rights Act as reflected in subpart 6 below. A school board may choose whether to retain the phrase "including gender identity or expression" in light of the legislative amendment.]***
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
1. "Disability" means, with respect to an individual who
    - a. a physical sensory or mental impairment that materially limits one or more major life activities of such individual;
    - b. has a record of such an impairment; or
    - c. is regarded as having such an impairment.
  2. "Familial status" means the condition of one or more minors being domiciled with:
    - a. their parent or parents or the minor's legal guardian; or
    - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment or discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
  3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment or discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
  5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
  6. "Sexual orientation" means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.  
  
**[Note: In 2023, the Minnesota legislature revised the definition of 'sexual orientation' in the Minnesota Human Rights Act to read as provided here.]**
  7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment; Definition
1. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
    - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
    - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
    - c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
  2. Sexual harassment may include, but is not limited to:
    - a. unwelcome verbal harassment or abuse;
    - b. unwelcome pressure for sexual activity;
    - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;
    - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an

individual's employment or educational status;

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

G. Sexual Violence; Definition

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

H. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to an individual's Protected Class.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct that may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent. If the

complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

- D. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- G. In the District. The school board hereby designates \_\_\_\_\_ as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.<sup>1</sup>
- H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

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

- L. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

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

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

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

## **V. INVESTIGATION**

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

- F. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

**VI. SCHOOL DISTRICT ACTION**

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
- B. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

**VII. RETALIATION OR REPRISAL**

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

**VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights or another state or federal agency, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

**IX. HARASSMENT OR VIOLENCE AS ABUSE**

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse

under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statutes, chapter 260E may be applicable.

- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

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

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

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)  
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)  
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)  
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of

Vulnerable Adults)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedures and Process)

MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)

MSBA/MASA Model Policy 525 (Violence Prevention)

MSBA/MASA Model Policy 526 (Hazing Prohibition)

MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

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

MSBA/MASA Model Policy 416

Orig. 1995

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

Rev. 2023~~2~~

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

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

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo ~~drug and alcohol testing~~ and cannabis testing in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug and alcohol testing and cannabis testing in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing and cannabis testing in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957.
- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, whether or not it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs that are not medically prescribed, including medical cannabis, whether or not it has been prescribed for the employee, is also

prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs that are not medically prescribed are prohibited from entering or remaining on school district property.

D. The use, possession, sale, purchase, transfer, or dispensing of alcohol or cannabis is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol or cannabis is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol or cannabis are prohibited from entering or remaining on school district property.

E. Any employee who violates this section shall be subject to discipline that includes, but is not limited to, immediate suspension without pay and immediate discharge.

F. The school district may discipline, discharge, or take other adverse personnel action against an employee for cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working, on school district premises, or operating a school district vehicle, machinery, or equipment as follows:

1. if, as the result of consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product, the employee does not possess that clearness of intellect and control of self that the employee otherwise would have;

2. if cannabis testing verifies the presence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory test;

3. as provided in the school district's written work rules for cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis testing, provided that the rules are in writing and in a written policy that contains the minimum information required by section 181.952; or

4. as otherwise authorized or required under state or federal law or regulations, or if a failure to do so would cause the school district to lose a monetary or licensing-related benefit under federal law or regulations.

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

#### **A. General Statement of Policy**

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

#### **B. Definitions**

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

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

2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.
4. "Commercial Motor Vehicle" (CMV) includes a vehicle that is designed to transport 16 or more passengers, including the driver.
5. "Designated Employer Representative" (DER) means an employee authorized by the school district to take immediate action to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation process. The DER receives test results and other communications for the school district.
6. "Department of Transportation" (DOT) means United States Department of Transportation.
7. "Direct Observation" means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.
8. "Driver" is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent, or occasional drivers, leased drivers, and independent owner-operator contractors.
9. "Evidential Breath Testing Device" (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
10. "Licensed Medical Practitioner" means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
11. "Medical Review Officer" (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district's drug testing program and for evaluating medical explanations for certain drug tests.
12. "Refusal to Submit" (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver's provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a

determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed by the school district or the collector; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.

13. "Safety-Sensitive Functions" are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work and all responsibility for performing work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.
14. "Screening Test Technician" (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
15. "Stand Down" means the practice of temporarily removing an employee from performing safety-sensitive functions based only upon a laboratory report to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test before the MRO completes the verification process.
16. "Substance Abuse Professional" (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

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

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

2. The school district shall provide to each driver information required under Title 49 of the Code of Federal Regulations, including information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem (the driver's or a coworker's); and available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.
3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.
4. The school district shall require each driver to sign a statement certifying that the driver received a copy of the policy and materials. This statement should be in the form of Attachment A to this policy. The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.

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

D. Alcohol and Controlled Substances Testing Program Manager

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

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

E. Specific Prohibitions for Drivers

***[Note: The specific prohibitions for drivers are contained, in large part, in 49 Code of Federal Regulations, sections 382.201-382.215.]***

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

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

F. Other Alcohol-Related Conduct

***[Note: Consequences for drivers engaging in alcohol-related conduct are described in the federal regulations. 49 Code of Federal Regulations, section 382.505.]***

No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and the policies of the school district.

G. Prescription Drugs/Cannabinoid Products

A driver shall inform the driver's supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect

the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis. MROs will verify a drug test confirmed as positive, even if a driver claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.

H. Testing Requirements

**[Note: School districts must utilize the U.S. DOT Drug & Alcohol Clearinghouse ("Clearinghouse") to conduct pre-employment queries, annual queries, and reports regarding CDL holders who operate CMVs on public roads (including school bus drivers) and who are covered by the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Testing Program. In addition to utilizing the Clearinghouse, school districts must continue to comply with the alcohol and controlled substance testing required under Title 49 of the Federal Regulations.]**

1. Pre-Employment Testing

**[Note: 49 Code of Federal Regulations, section 382.301 details the requirements for pre-employment testing.]**

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

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

- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. To be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.

**[Note: Federal regulations require school districts to inquire about, obtain, and review alcohol and controlled substances information from prior employers pursuant to a driver's written authorization, prior to the time a driver performs safety-sensitive functions, if feasible. 49 Code of Federal Regulations, section 382.413 and 49 Code of Federal Regulations, section 40.25. If not feasible, school districts must not permit the employee to perform safety-sensitive functions for more**

***than thirty (30) days from the date a safety-sensitive function was performed unless the school districts make good faith efforts to obtain the information and to make a record of those efforts to be retained in the driver's qualification file.]***

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

3. Post-Accident Testing

***[Note: 49 Code of Federal Regulations, section 382.303 governs post-accident testing of drivers.]***

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

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

- g. The school district shall report drug and alcohol program violations to the Clearinghouse as required under federal law.

4. Random Testing

**[Note: 49 Code of Federal Regulations, section 382.305 governs random testing of drivers.]**

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

**[Note: The Federal Highway Administration (FHWA) set the random alcohol selection and testing rate at 10% of the average number of driver positions and evaluates this minimum percentage each year. School districts can elect to stay at the 1998 level of 25% (or a higher percentage) if they do not want to monitor the minimum annual percentage rate set by the FHWA. The random controlled substances selection and testing rate has remained at 50% each year and has not been lowered to 25% as is possible under the regulations.]**

- b. The school district shall test for alcohol at a minimum annual percentage rate of 10% of the average number of driver positions, and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.
- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made. Each driver selected for testing shall be tested during the selection period.
- d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.
- e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

5. Reasonable Suspicion Testing

**[Note: 49 Code of Federal Regulations, section 382.307 governs reasonable suspicion testing of drivers.]**

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver

has used alcohol and/or controlled substances, including medical cannabis, on duty, within four (4) hours before coming on duty, or just after the period of the work day. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.

- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.
- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

***[Note: 49 Code of Federal Regulations, sections 382.309, 40.23(d) and 40.305 govern return-to-duty testing.]***

- 6. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances. The school district is not required to return a driver to safety-sensitive duties because the driver has met these conditions; this is a personnel decision subject to collective bargaining agreements or other legal requirements.

***[Note: 49 Code of Federal Regulations, sections 382.311, 40.307 and 40.309 govern follow-up testing.]***

- 7. Follow-Up Testing. When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.
- 8. Refusal to Submit and Attendant Consequences

***[Note: Consequences for refusals to submit to required drug and alcohol tests are addressed generally in 49 Code of Federal Regulations, sections 40.191, 40.261 and 382.211. They are more specifically addressed in 49 Code of Federal Regulations, sections 382.501-382.507]***

***and in 49 United States Code section 521(b).]***

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

I. Testing Procedures

1. Drug Testing

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

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

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

2. Alcohol Testing

***[Note: The DOT Alcohol Testing Form (ATF) must be used for every DOT alcohol test. 49 Code of Federal Regulations, section 40.225.]***

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

J. Driver/Driver Applicant Rights

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

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

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

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

K. Testing Laboratory

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

L. Confidentiality of Test Results

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

M. Recordkeeping Requirements and Retention of Records

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

***[Note: The federal recordkeeping requirements for school districts are detailed in the federal regulations, 49 Code of Federal Regulations, sections 382.401 et seq. and 40.331. The DOT publishes a guide to the recordkeeping requirements of mandatory drug and alcohol testing for persons with a commercial driver’s license as part of its Alcohol & Drugs: DOT Compliance Manual.]***

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

Basic records	5 years
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“Basic records” includes records of: (a) alcohol test results with concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary.

Information obtained from previous employers	3 years
Alcohol and controlled substance collection procedures	2 years
Negative and cancelled controlled substance tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	indefinite

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

- 3. Personal Information

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

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

N. Training

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

O. Consequences of Prohibited Conduct and Enforcement

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

2. Referral, Evaluation, and Treatment

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

***[Note: Subparagraphs b. and c., below, are based on the provisions of 49 Code of Federal Regulations section 40.289.]***

b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated

by an SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.

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

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

- c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
- d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

3. Disciplinary Action

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

P. Other Testing

The school district may request or require that drivers submit to cannabis testing or drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo cannabis testing or drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957. For purposes of such

additional, non-mandatory testing, drivers fall within the definition of “other employees” covered by Section IV. of this policy.

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

Q. Report to Clearinghouse

The school district shall promptly submit to the Clearinghouse any record generated of an individual who refuses to take an alcohol or controlled substance test required under Title 49, Code of Federal Regulations, tests positive for alcohol or a controlled substance in violation of federal regulations, or violates subpart B of Part 382 of Title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

R. Annual Clearinghouse Query

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

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

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

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

##### A. Definitions

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

an independent contractor who applies to become an employee of the charter school in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the charter school's drug and alcohol testing policy relating to school bus drivers (Section III.).

8. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the charter school for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the charter school's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."

9. "Positive Test Result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.

10. "Random Selection Basis" means a mechanism for selection of employees that:

- a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
- b. does not give the charter school discretion to waive the selection of any employee selected under the mechanism.

11. "Reasonable Suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

12. "Safety-Sensitive Position" means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person.

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

1. General Limitations

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

and capricious basis.

2. Cannabis Testing Exceptions

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

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

3. Job Applicant Testing

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

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

4. Random Testing

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

5. Reasonable Suspicion Testing

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

- a. is under the influence of cannabis, drugs, or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minnesota Statutes, section -176.011, subdivision 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

6. Treatment Program Testing

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

7. Routine Physical Examination Testing

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

C. No Legal Duty to Test

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

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

### Consequences of Such Refusal

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

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

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

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

2. Notice of Test Results

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

3. Notice of and Right to Test Result Report

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

4. Notice of and Right to Explain Positive Test Result

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

- b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- c. The employee may present verification of enrollment in the medical cannabis patient registry or of enrollment in a Tribal medical cannabis program as part of the employee's explanation.
- d. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for ~~marijuana~~cannabis. MROs will verify a drug test confirmed as positive, even if an employee claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.
- e. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minnesota Statutes, section 181.953, subdivision 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug, ~~or alcohol,~~ or cannabis threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

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

Attachments E and F to this policy provide the Notices described in Paragraphs

2. through 6. of this Section E.

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

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

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

7. An employee must be given access to information in the individual's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process or cannabis testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

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

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

H. Chain-of-Custody Procedures

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

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

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

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

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

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

4. Privilege

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

J. Notice of Testing Policy to Affected Employees

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

**V. POSTING**

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

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 43A (State Personnel Management)  
Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)  
Minn. Stat. § 152.01 (Definitions)  
Minn. Stat. § 152.22 (Definitions; Medical Cannabis)  
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)  
Minn. Stat. § 152.32 (Protections for Registry Program Participation)  
Minn. Stat. § 176.011, subd. 16 (Definitions; Personal Injury)  
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)  
Minn. Stat. § 221.031 (Motor Carrier Rules)  
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)  
49 U.S.C. 31306a (National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators)  
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)  
49 C.F.R. Parts 40 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)  
[49 C.F.R. Part 382 \(Controlled Substances and Alcohol Use and Testing\)](#)

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

MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

**STUDENT DISCIPLINE**

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

**I. PURPOSE**

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

**II. GENERAL STATEMENT OF POLICY**

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.

In view of the foregoing and in accordance with Minnesota Statutes, section 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

**III. DEFINITIONS**

A. "Nonexclusionary disciplinary policies and practices" means policies and

practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

- B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

#### **IV. POLICY**

- A. The school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil Fair Dismissal Act. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.
- B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- C. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
  - 1. for a pupil who remains enrolled in the school district or is awaiting enrollment in a new district, the school district's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The school district must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;

2. a pupil receiving school-based or school-linked mental health services in the school district under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and
3. the school district must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the school district website.

**V. AREAS OF RESPONSIBILITY**

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.
- B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
- C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of Behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another.
- E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by

the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another.

- F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
  
- G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
  
- H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.
  
- I. Reasonable Force Reports
  - 1. The school district must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
  
  - 2. Beginning with the 2024-2025 school year, the school district must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
  
  - 3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

## **VI. STUDENT RIGHTS**

All students have the right to an education and the right to learn.

## **VII. STUDENT RESPONSIBILITIES**

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state, and local laws;
- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;
- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

## **VIII. CODE OF STUDENT CONDUCT**

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds;

school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
2. The use of profanity or obscene language, or the possession of obscene materials;
3. Gambling, including, but not limited to, playing a game of chance for stakes;
4. Violation of the school district's Hazing Prohibition Policy;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
6. Violation of the school district's Student Attendance Policy;
7. Opposition to authority using physical force or violence;
8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy;
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student

sharing prescription medication with another student);

11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the school district's Weapons Policy;
14. Violation of the school district's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
19. Violation of any local, state, or federal law as appropriate;
20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
21. Violation of the school district's Internet Acceptable Use and Safety Policy;
22. Use of a cell phone in violation of the school district's Internet Acceptable Use and Safety Policy;
23. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger

persons or property;

25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
26. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
27. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
28. Possession or distribution of slanderous, libelous, or pornographic materials;
29. Violation of the school district's Bullying Prohibition Policy;
30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
31. Criminal activity;
32. Falsification of any records, documents, notes, or signatures;
33. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;
34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
35. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other school district personnel;
36. Violation of the school district's Harassment and Violence Policy;
37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;

38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
40. Verbal assaults or verbally abusive behavior including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property;
41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;
43. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
44. Violation of the school district's one-to-one device rules and regulations;
45. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
46. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

**IX. RECESS AND OTHER BREAKS**

- A. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.
- B. The school district is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.

- C. The school district must not use recess detention unless:
  - 1. a student causes or is likely to cause serious physical harm to other students or staff;
  - 2. the student's parent or guardian specifically consents to the use of recess detention; or
  - 3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
- D. The school district must not withhold recess from a student based on incomplete schoolwork.
- E. The school district must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.
- F. The school district must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. The school district is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- G. The school district must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district or school's existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

## **X. DISCIPLINARY ACTION OPTIONS**

The general policy of the school district is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district code of conduct, rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other school district personnel, and verbal warning;
- B. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be

released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.

- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or
- U. Other disciplinary action as deemed appropriate by the school district.

**XI. REMOVAL OF STUDENTS FROM CLASS**

- A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive

reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.

- B. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.
- C. Procedures for Removal of a Student from a Class.
  1. See Student Rights and Responsibilities
- D. Period of Time for which a Student may be Removed from a Class (may not exceed five (5) class periods for a violation of a rule of conduct)
  1. See Student Rights and Responsibilities

- E. Responsibility for and Custody of a Student Removed from Class.
  - 1. See Student Rights and Responsibilities
- F. Procedures for Return of a Student to a Specific Class from Which the Student was Removed.
  - 1. See Student Rights and Responsibilities
- G. Procedures for Notifying a Student and the Student’s Parents or Guardian of Violation of the Rules of Conduct and of Resulting Disciplinary Actions;
  - 1. See Student Rights and Responsibilities
- H. Disabled Students; Special Provisions.
  - 1. See Student Rights and Responsibilities .
- I. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.
  - 1. See Student Rights and Responsibilities
- J. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.
  - 1. See Student Rights and Responsibilities

**XII. DISMISSAL**

- A. “Dismissal” means the denial of the current educational program to any student, including exclusion, expulsion, and suspension. Dismissal does not include removal from class.

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school district shall not dismiss any student without attempting to use non-exclusionary disciplinary policies and procedures before dismissal proceedings or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this policy;
2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

C. Disciplinary Dismissals Prohibited

1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
  - a. a preschool or prekindergarten program, including an early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or
  - b. kindergarten through Grade 3.
2. This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.
3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined under Nonexclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

D. Suspension Procedures

1. “Suspension” means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative

control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.

3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
4. The definition of suspension under Minnesota Statutes, section 121A.41, does not apply to a student's dismissal from school for ~~one school day or less than one day~~, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.
5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must

occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.

6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minnesota Statutes, section 123A.05 selected to allow the student to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.
7. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
  - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
  - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
  - c. petition the juvenile court that the student is in need of services under Minnesota Statutes chapter 260C.
9. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)
10. The school administration shall make reasonable efforts to notify the

student's parent or guardian of the suspension by telephone as soon as possible following suspension.

11. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
12. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) consecutive school days.

E. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56; describe the nonexclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district must advise the student's parent or guardian that free or low-cost legal

assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE) and is posted on its website.

6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of the Minnesota Department of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minnesota Statutes section 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

### **XIII. ADMISSION OR READMISSION PLAN**

A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education

program consistent with Minnesota Statutes, section 120B.232, subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

#### **XIV. NOTIFICATION OF POLICY VIOLATIONS**

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a school district employee by a pupil, and each pupil withdrawal agreement within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault, to the MDE Commissioner. This report must include a statement of the nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the pupil's age, grade, gender, race, and special education status.

#### **XV. STUDENT DISCIPLINE RECORDS**

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13.

#### **XVI. STUDENTS WITH DISABILITIES**

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject

to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

## **XVII. OPEN ENROLLED STUDENTS**

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minnesota Statutes section 124D.03) or Enrollment in Nonresident District (Minnesota Statutes section 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minnesota Statutes chapter 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

## **XVIII. DISCIPLINE COMPLAINT PROCEDURE**

Students, parents and other guardians, and school staff may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied.

The Discipline Complaint Procedure must, at a minimum:

1. provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes, section 121A.49 that contains explicit instructions for filing the complaint;
2. provide an opportunity for involved parties to submit additional information related to the complaint;
3. provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;

4. provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;
5. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and
6. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

#### **XIX. DISTRIBUTION OF POLICY**

The school district will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in each principal's office.

#### **XX. REVIEW OF POLICY**

The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.26 (School Preassessment Teams)  
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. §§ 121A.60 (Definitions)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
Minn. Stat. § 122A.42 (General Control of Schools)  
Minn. Stat. § 123A.05 (State-Approved Alternative Program Organization)  
Minn. Stat. § 124D.03 (Enrollment Options Program)

Minn. Stat. § 124D.08 (School Boards' Approval to Enroll in Nonresident District; Exceptions)  
Minn. Stat. Ch. 125A (Special Education and Special Programs)  
Minn. Stat. § 152.22, Subd. 6 (Definitions)  
Minn. Stat. § 152.23 (Limitations)  
Minn. Stat. Ch. 260A (Truancy)  
Minn. Stat. Ch. 260C (Juvenile Safety and Placement)  
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

***Cross References:*** MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices)  
MSBA/MASA Model Policy 501 (School Weapons)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 503 (Student Attendance)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)  
MSBA/MASA Model Policy 610 (Field Trips)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Policy Adopted: 06/14/04  
Policy Reviewed: 11/13/13  
Policy Reviewed: 6/11/18  
Policy Reviewed: 03/08/21  
Policy Revised: 07/10/23

## **Discipline Complaint Procedure**

Students, parents and other guardians, and school staff (Complainant) may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the behavior and discipline policies are not being implemented appropriately or are being discriminately applied.

The discipline complaint process is initiated when a Complainant completes and submits a Discipline Complaint Form to the school district superintendent or the superintendent's designee.

**A Discipline Complaint Form is available on the school district website and in administrative offices.**

Investigation of the complaint will commence within three school days of receipt of the complaint. The superintendent will direct the investigation and will designate and identify the school district personnel who will manage the investigation and who are responsible for keeping and regulating access to any resulting record. The school district may use outside counsel as it sees fit.

Upon completion of the investigation, a Written Determination addressing each allegation and containing findings and conclusions will be issued to the Complainant in a manner consistent with the Minnesota Government Data Practices Act.

If the investigation finds the requirements of the Minnesota Pupil Fair Dismissal Act (Minnesota Statutes, sections 121A.40 to 121A.61), including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant school district staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future, the superintendent or the superintendent's designee will take necessary measures.

Reprisal or retaliation against any person who asserts, alleges, or reports a complaint is prohibited. The school district will take appropriate action consistent with Minnesota law and school district policies in the event that an individual or individuals are found to have engaged in reprisal or retaliation.

**Austin Public Schools – ISD 492**  
**Discipline Complaint Form**

Date of Complaint: \_\_\_\_\_

Name of Person Completing Form: \_\_\_\_\_

Email Address \_\_\_\_\_ Cell Phone \_\_\_\_\_

Student Name \_\_\_\_\_ Grade \_\_\_\_\_

***Applicable Governing Discipline Documents***

- Minnesota Pupil Fair Dismissal Act
- School District Student Discipline Policy

Describe your complaint(s) and/or allegation(s) regarding improper implementation of the Minnesota Pupil Fair Dismissal Act and/or the school district student discipline policy or how the procedures in these two documents are being discriminately applied.

Provide additional information you request the school district to consider:

Involved persons may submit additional information related to this complaint.

A Complainant may appeal the school district’s Written Decision by submitting a written notice of appeal to the superintendent or the superintendent’s designee within three (3) school days of the date that the Written Decision is provide to the Complainant. The notice shall set forth the grounds upon which the Complainant appeals the Written Decision.

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

**For Administrative Use (Notes):**

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

Assignment of Investigator: \_\_\_\_\_

Date Investigation Complete: \_\_\_\_\_

Written Decision Sent to Complainant: \_\_\_\_\_

Corrective Action Required: \_\_\_\_\_

Corrective Action Taken: \_\_\_\_\_

Notice of Right to Appeal: \_\_\_\_\_

Matter Closed: \_\_\_\_\_

Data Practices Act Compliance Conducted: \_\_\_\_\_

This sample document is for informational use only and is not to be construed as legal advice. If legal advice is needed, legal counsel should be contacted.

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

MSBA/MASA Model Policy 507

Orig. 1995

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

Rev. Oct. 2023

## **507 CORPORAL PUNISHMENT AND PRONE RESTRAINT**

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

### **I. PURPOSE**

The purpose of this policy is to describe limitations on the use of corporal punishment and prone restraint upon a student.

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

No employee or agent of the school district shall inflict corporal punishment or use prone restraint upon a student except as provided below.

### **III. DEFINITIONS**

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

### **IV. PROHIBITIONS**

1. An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.
2. An employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, shall not use prone or compressive restraint except that the restrictions on prone and compressive restraints do not apply under the circumstances enumerated in Minnesota Statutes, section 609.06, subdivision 1(1). All peace officers, including those who are school resource officers or otherwise agents of a school district, may use force as reasonably necessary to carry out official duties, including, but not limited to, making arrests and enforcing orders of the court.
3. An employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.
4. Conduct that violates this Article is not a crime under Minnesota Statutes, section 645.241, but may be a crime under Minnesota Statutes, chapter 609 if the conduct violates a provision of Minnesota Statutes, chapter 609. Conduct that violates IV.1 above is not per se corporal punishment under the statute. Nothing in this

Minnesota Statutes, section 121A.58 or 125A.0941 precludes the use of reasonable force under Minnesota Statutes, section 121A.582.

**V. EXCEPTIONS**

A teacher, ~~or school principal,~~ and other school staff may use reasonable force under the conditions set forth in Policy 506 (Student Discipline).

**VI. VIOLATION**

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

**Legal References:** Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 123B.25 (Legal Actions Against Districts and Teachers)  
Minn. Stat. § 609.06 Subd. 1 (6)(7) (Authorized Use of Force)  
[Op. Atty. Gen. 169f \(August 22, 2023\) \(School Pupils: Discipline\)](#)  
[Op. Atty. Gen. 169f Supp. \(September 20, 2023\) \(School Pupils: Discipline\)](#)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 506 (Student Discipline)

## PUBLIC NOTICE

Independent School District No. 492 gives notice to parents of students currently in attendance in the District, and eligible students currently in attendance in the District, of their rights regarding pupil records.

1. Parents and eligible students are hereby informed that they have the following rights:
  - a. That a parent or eligible student has a right to inspect and review the student's education records within 45 days after the day the request for access is received by the school district. A parent or eligible student should submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect. The parent or eligible student will be notified of the time and place where the records may be inspected;
  - b. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy rights. A parent or eligible student may ask the school district to amend a record that they believe is inaccurate or misleading. The request shall be in writing, identify the item the parent or eligible student believes to be inaccurate, misleading, or in violation of the privacy rights of the student, shall state the reason for this belief, and shall specify the correction the parent or eligible student wishes the school district to make. The request shall be signed by the parent or eligible student. If the school district decides not to amend the record as requested by the parent or eligible student, the school district will notify the parent or eligible student of the decision and advise him or her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing;
  - c. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosures without consent;
  - d. That the school district may disclose education records to other school officials within the school district if the school district has determined they have legitimate educational interests. For purposes of such disclosure, a "school official" is a person employed by the school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or other employee; a person serving on the school board; a person or company with whom the school district has consulted to perform a specific task (such as an attorney, auditor, medical consultant, therapist, public information officer, or data practices compliance official); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or any individual assisting a school official in the performance of his or her tasks. A school official has a "legitimate educational interest" if the individual needs to review an education record in order to fulfill his or her professional responsibility and includes, but is not limited to, an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and student health and welfare and the ability to respond to a request for educational data;

- e. That the school district forwards education records on request to a school or post-secondary educational institution in which a student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment, including information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, suspension and expulsion information pursuant to 20 U.S.C. § 7917, part of the federal Every Student Succeeds Act [*insert the following bracketed phrase if the school district has a policy regarding Staff Notification of Violent Behavior by Students*] [and data regarding a student's history of violent behavior,] and any disposition order which adjudicates the student as delinquent for committing an illegal act on school district property and certain other illegal acts;
- f. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of 20 U.S.C. § 1232g and the rules promulgated thereunder. The name and address of the office that administers the Family Education Rights and Privacy Act is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue S.W.  
Washington, D.C. 20202-8520

- g. That the parent or eligible student has a right to obtain a copy of the school district's policy regarding the protection and privacy of pupil records; and
  - h. That copies of the school district's policy regarding the protection and privacy of school records are located at 401 3<sup>rd</sup> Ave NW, Austin, MN 55912.
2. Independent School District No. 492 has adopted a school board policy in order to comply with state and federal laws regarding education records. The policy does the following:
- a. It classifies records as public, private, or confidential.
  - b. It establishes procedures and regulations to permit parents or students to inspect and review a student's education records. These procedures include the method of determining fees for copies, a listing of the locations of these education records, and the identity of the individuals in charge of the records.
  - c. It establishes procedures and regulations to allow parents or students to request the amendment of a student's education records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student's privacy rights.
  - d. It establishes procedures and regulations for access to and disclosure of education records.
  - e. It establishes procedures and regulations for safeguarding the privacy of education records and for obtaining prior written consent of the parent or student when required prior to disclosure.

3. Copies of the school board policy and accompanying procedures and regulations are available to parents and students upon written request to the Superintendent.
4. Pursuant to applicable law, Independent School District No. 492 gives notice to parents of students currently in attendance in the school district, and eligible students currently in attendance in the school district, of their rights regarding "directory information."

"Directory information" includes the following information relating to a student: the student's name; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; the most recent educational agency or institution attended by the student. "Directory information" also includes the name, address, and telephone number of the student's parent(s). "Directory information" does not include a student's social security number or a student's identification number (ID) if the ID may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number, password, or other factor known or possessed only by the authorized user. It also does not include identifying information on a student's religion, race, color, social position, or nationality.

***[Note: The definition of directory information is found on page 2 of Model Policy 515. This definition includes all of the types of information specifically referenced by state and federal law as directory information. A school district may choose not to include some or all of the enumerated information as directory information. A school district also may add to the list of directory information, as long as the added data is not information that generally would be deemed as an invasion of privacy or information that references the student's religion, race, color, social position, or nationality.]***

***Minnesota Statutes 13.32, subdivision 5(c) states that a school district may not designate a student's home address, telephone number, email address, or other personal contact information as "directory information."***

***A school district also may specify in this section that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. The identity of those parties and/or purposes should be identified. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. Designation of directory information is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure but also the additional administrative requirements such restrictions on disclosures will place on the school district.]***

- a. **THE INFORMATION LISTED ABOVE SHALL BE PUBLIC INFORMATION WHICH THE SCHOOL DISTRICT MAY DISCLOSE FROM THE EDUCATION RECORDS OF A STUDENT OR INFORMATION REGARDING A PARENT.**
- b. **SHOULD THE PARENT OF A STUDENT OR THE STUDENT SO DESIRE, ANY OR ALL OF THE LISTED INFORMATION WILL NOT BE DISCLOSED WITHOUT THE PARENT'S OR ELIGIBLE STUDENT'S PRIOR WRITTEN**

**CONSENT EXCEPT TO SCHOOL OFFICIALS AS PROVIDED UNDER FEDERAL LAW.**

- c. IN ORDER TO MAKE ANY OR ALL OF THE DIRECTORY INFORMATION LISTED ABOVE "PRIVATE" (I.E., SUBJECT TO CONSENT PRIOR TO DISCLOSURE), THE PARENT OR ELIGIBLE STUDENT MUST MAKE A WRITTEN REQUEST TO THE BUILDING PRINCIPAL WITHIN THIRTY (30) DAYS AFTER THE DATE OF THE LAST PUBLICATION OF THIS NOTICE. THIS WRITTEN REQUEST MUST INCLUDE THE FOLLOWING INFORMATION:**

- (1) NAME OF STUDENT AND PARENT, AS APPROPRIATE;**
- (2) HOME ADDRESS;**
- (3) SCHOOL PRESENTLY ATTENDED BY STUDENT;**
- (4) PARENT'S LEGAL RELATIONSHIP TO STUDENT, IF APPLICABLE;**
- (5) SPECIFIC CATEGORY OR CATEGORIES OF DIRECTORY INFORMATION WHICH IS NOT TO BE MADE PUBLIC WITHOUT THE PARENT'S OR ELIGIBLE STUDENT'S PRIOR WRITTEN CONSENT.**

5. Pursuant to applicable law, Independent School District No. 492 hereby gives notice to parents of students and eligible students in grades 11 and 12 of their rights regarding release of information to military recruiting officers and post-secondary educational institutions. The school district must release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by the school district, if available, that may be released to military recruiters only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request. Data released to military recruiting officers under this provision may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military and cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

**SHOULD THE PARENT OF A STUDENT OR THE ELIGIBLE STUDENT SO DESIRE, ANY OR ALL OF THE LISTED INFORMATION WILL NOT BE DISCLOSED TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS WITHOUT PRIOR CONSENT.**

**IN ORDER TO REFUSE THE RELEASE OF THIS INFORMATION WITHOUT PRIOR CONSENT, THE PARENT OR ELIGIBLE STUDENT MUST MAKE A WRITTEN REQUEST TO THE RESPONSIBLE AUTHORITY, [DESIGNATE TITLE OF INDIVIDUAL, I.E., BUILDING PRINCIPAL], BY [INSERT DATE] EACH YEAR. THIS WRITTEN REQUEST MUST INCLUDE THE FOLLOWING INFORMATION:**

- (1) NAME OF STUDENT AND PARENT, AS APPROPRIATE;**
- (2) HOME ADDRESS;**
- (3) STUDENT'S GRADE LEVEL;**

- (4) SCHOOL PRESENTLY ATTENDED BY STUDENT;
- (5) PARENT'S LEGAL RELATIONSHIP TO STUDENT, IF APPLICABLE;
- (6) SPECIFIC CATEGORY OR CATEGORIES OF INFORMATION WHICH ARE NOT TO BE RELEASED TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS WITHOUT PRIOR CONSENT;
- (7) SPECIFIC CATEGORY OR CATEGORIES OF DIRECTORY INFORMATION WHICH ARE NOT TO BE RELEASED TO THE PUBLIC, INCLUDING MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS.

***Notice: Refusal to release the above information to military recruiting officers and post-secondary educational institutions alone does not affect the school district's release of directory information to the public, including military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in the Directory Information section of this notice also must be followed. If you do not want your child's or eligible student's directory information released to military recruiting officers or post-secondary educational institutions, you also must notify the school district that you do not want this directory information released to any member of the public, including military recruiting officers and post-secondary educational institutions.***

INDEPENDENT SCHOOL DISTRICT NO. \_\_\_\_\_  
 \_\_\_\_\_, MINNESOTA

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Chair

**[Note: The use of this form requesting information about specific activities or behavior is mandated by statute. In addition, the school district is required to maintain such requests and a record of any release in the student's file.]**

**JUVENILE JUSTICE SYSTEM  
REQUEST FOR INFORMATION**

Family Educational Rights and Privacy Act  
Minnesota Government Data Practices Act, Minn. Stat. § 13.32, Subds. 3(i) and 8(b)

**DATE/TIME OF REQUEST:** \_\_\_\_\_

**TO:** \_\_\_\_\_  
(Superintendent of school district or chief administrative officer of school)

**FROM:** \_\_\_\_\_  
(Requester's name/agency)

**STUDENT:** \_\_\_\_\_

**BASIS FOR REQUEST:**

- \_\_\_\_\_ Juvenile delinquency investigation/prosecution
- \_\_\_\_\_ Child protection assessment/investigation
- \_\_\_\_\_ Investigation/filing of CHIPS or delinquency petition

**REASON FOR REQUEST:** (Requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RESPONSE TO REQUEST:**

The school must indicate whether it has data on the student that document any activity or behavior marked by the requester.

**INFORMATION REQUESTED:** (mark all that apply)    **RESPONSE PROVIDED:** (yes / no)

Indicate whether you have data that document the student's:

\_\_\_\_\_ Use of a controlled substance, alcohol, or tobacco \_\_\_\_\_

_____	Assaultive or threatening conduct as defined in Minn. Stat. § 13.32, Subd. 8	_____
_____	Possession or use of weapons or look-alike weapons	_____
_____	Theft	_____
_____	Vandalism and damage to property	_____

**CERTIFICATION:** The undersigned certifies that he or she is a member of the juvenile justice system. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that he or she understands that, by signing this request, he or she is subject to the penalties in Minn. Stat. § 13.09.

\_\_\_\_\_  
Signature/Title

***[Note: A principal or chief administrative officer of a school who receives such a request to disclose information about a student to the juvenile justice system shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten (10) days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the principal or chief administrative officer must respond to the data request.]***

## **GRADUATION REQUIREMENTS**

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

### **I. PURPOSE**

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

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

The policy of the school district is that all students entering grade 8 in the 2012-2013 school year and later must demonstrate, as determined by the school district, their satisfactory completion of the credit requirements and their understanding of academic standards. The school district must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule.

### **III. DEFINITIONS**

~~“Academic standard” means: (1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, or the arts, or (2) a locally adopted expectation for student learning in health, the arts, career and technical education, or world languages.~~

- 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. “Section 504 Accommodation” means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities.
- C. “Individualized Education Program” or “IEP” means a written statement developed for a student eligible by law for special education and services.
- D. “English learner” or “EL” student means an individual whose first language is not English and whose test performance may be negatively impacted by lack of English language proficiency.
- E. “Required standard” means: (1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, and the arts, and (2) a locally adopted expectation for student learning in health.

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

The Director of Information Services shall be named the District Assessment Coordinator. Said person shall be in charge of all test procedures and shall bring recommendations to the school board annually for approval.

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

For students enrolled in grade 8 in the 2012-2013 school year and later, students' state graduation requirements, based on a longitudinal, systematic approach to student education and career planning, assessment, instructional support, and evaluation, include the following:

- A. Achievement and career and college readiness in mathematics, reading, and writing, as measured against a continuum of empirically derived, clearly defined benchmarks focused on students' attainment of knowledge and skills so that students, their parents, and teachers know how well students must perform to have a reasonable chance to succeed in a career or college without the need for postsecondary remediation and which facilitates the monitoring of students' continuous development of and growth in requisite knowledge and skills; analysis of students' progress and performance levels, identification of students' academic strengths and diagnosis of areas where students require curriculum or instructional adjustments, targeted interventions, or remediation; and determination of students' learning and instructional needs and the instructional tools and best practices that support academic rigor for the student based on analysis of students' progress and performance data; and
- B. Consistent with this paragraph and Minnesota Statutes section 120B.125 (*see Policy 604, Section II.H.*), age-appropriate exploration and planning activities and career assessments to encourage students to identify personally relevant career interests and aptitudes and help students and their families develop a regularly reexamined transition plan for postsecondary education or employment without need for postsecondary remediation.
- C. Based on appropriate state guidelines, students with an IEP may satisfy state graduation requirements by achieving an individual score on the state-identified alternative assessments.
- D. Students meeting the state graduation requirements under this section must receive targeted, relevant, academically rigorous, and resourced instruction which may include a targeted instruction and intervention plan focused on improving the student's knowledge and skills in core subjects so that the student has a reasonable chance to succeed in a career or college without need for postsecondary remediation.
- E. Students meeting the state graduation requirements under this section and who are students in grade 11 or 12 and who are identified as academically ready for a career or college are actively encouraged by the school district to participate in

courses and programs awarding college credit to high school students. Students are not required to achieve a specified score or level of proficiency on an assessment to graduate from high school.

- F. A student's progress toward career and college readiness must be recorded on the student's high school transcript.

## **VI. GRADUATION CREDIT REQUIREMENTS**

- A. All students must fulfill graduation assessment requirements as established by Minnesota Statute 120B.30.
- B. A student must complete the required Minnesota Academic Standards in language arts, math, science, social studies, the arts, physical education and locally developed standards in health.
- C. Students beginning 8<sup>th</sup> grade in the 2012-2013 school year and later must successfully complete, as determined by the school district, the following high school level credits for graduation:

1. Four credits of language arts sufficient to satisfy all academic standards in English language arts;
2. Three credits of mathematics, including an algebra II credit or its equivalent, geometry, or its equivalent, sufficient to satisfy all of the academic standards in mathematics;
3. Students in the graduation class of 2015 and beyond must complete an algebra 1 credit by the end of 8<sup>th</sup> grade sufficient to satisfy all of the 8th grade standards in mathematics;
4. ~~Three credits of science, including at least: (A) one credit of biology; (b) one credit of chemistry and/or physics; and (c) one elective of science. The combination of credits must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other academic standards in science.~~

Students in the graduation class of 2028 and beyond must complete three credits of science including 1 credit to satisfy all 9-12 Earth Science standards, 1 credit to satisfy all life science (biology) standards and 1 credit to satisfy all 9-12 standards in chemistry or physics.

5. ~~Four credits of social studies, encompassing at least United States history, geography, government and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;~~

Four credits of social studies encompassing at least United States history, geography, world history, government and citizenship and economics sufficient to satisfy all academic standards in social studies including the ethnic studies standards. A class covering the government and citizenship and economics standards must be completed during the 11<sup>th</sup> or 12<sup>th</sup> grade year.

6. All students graduating in the class of 2028 and beyond must complete a personal finance course during the 10<sup>th</sup>, 11<sup>th</sup>, or 12<sup>th</sup> grade year in addition to the required economics course.
- ~~6.~~ 7. One credit in the arts sufficient to satisfy all of the state ~~or local~~ academic standards in the arts; and
- ~~7.~~ 8. One credit of physical education and one-half credit of health; and
- ~~8.~~ 9. A minimum of seven ~~and one-half~~ elective credits.

D. Credit equivalencies

1. A one-half credit of economics taught in a school's ~~agriculture~~ agricultural, food, and natural resources education or business education program or department may fulfill a one-half credit in social studies under Paragraph C5., above, if the credit is sufficient to satisfy all of the academic standards in economics.
2. An agriculture science or career and technical education credit may fulfill the elective science credit required under Paragraph C4., above, if the credit meets the state physical science, life science, earth and space science, chemistry, or physics academic standards or a combination of these academic standards as approved by the school district. An agriculture or career and technical education credit may fulfill the credit in chemistry or physics required under Paragraph C4., above, if the credit meets the state chemistry or physics academic standards as approved by the school district. A student must satisfy either all of the chemistry or physics academic standards prior to graduation. An agriculture science or career and technical education credit may not fulfill the required biology credit under Paragraph C4, above.
3. A career and technical education credit may fulfill a mathematics or arts credit requirement under Paragraph C2 or Paragraph C6., above.
4. A computer science credit may fulfill a mathematics credit requirement under Paragraph C2, above, if the credit meets state academic standards in mathematics.
5. A Project Lead the Way credit may fulfill a mathematics or science credit requirement under Paragraph C2. or Paragraph C4., above, if the credit meets the state academic standards in mathematics or science.

6. An ethnic studies course may fulfill a social studies, language arts, arts, math, or science credit if the course meets the applicable state academic standards. An ethnic studies course may fulfill an elective credit if the course meets applicable local standards or other requirements.

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

- E. Students in the graduating class of 2027 and later must successfully complete, as determined by the school district, the requirements of the Packer Profile in addition to completing all necessary credit requirements.

## **VII. GRADUATION STANDARDS REQUIREMENTS**

- A. All students must demonstrate their understanding of the following academic standards:
  1. School District Standards, Health (K-12);
  2. School District Standards, Career and Technical Education (K-12); and
  3. School District Standards, World Languages (K-12).
- B. Academic standards in health, world languages, and career and technical education will be reviewed on an annual basis.\* A school district must use the current world languages standards developed by the American Council on the Teaching of Foreign Languages.

\* Reviews are required to be conducted on a periodic basis. Therefore, this time period may be changed to accommodate individual school district needs.

- C. All students must satisfactorily complete the following required Graduation Standards in accordance with the standards developed by the Minnesota Department of Education (MDE):
  1. Minnesota Academic Standards, English Language Arts K-12;
  2. Minnesota Academic Standards, Mathematics K-12;
  3. Minnesota Academic Standards, Science K-12;
  4. Minnesota Academic Standards, Social Studies K-12; and
  5. Minnesota Academic Standards, Physical Education K-12.

- D. ~~Minnesota Academic State Standards, Arts K-12 are available, or school districts may choose to develop their own standards.~~
- E. The academic standards for language arts, mathematics, and science apply to all students except the very few students with extreme cognitive or physical impairments for whom an IEP team has determined that the required academic standards are inappropriate. An IEP team that makes this determination must establish alternative standards.

## VIII. EARLY GRADUATION

Students may be considered for early graduation, as provided for within Minn. Stat. § 120B.07, upon meeting the following conditions:

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

**Legal References:** Minn. Stat. § 120B.02 (Educational Expectations for Minnesota's Students)  
Minn. Stat. § 120B.018 (Definitions)  
Minn. Stat. § 120B.021 (Required Academic Standards)  
Minn. Stat. § 120B.023 (Benchmarks)  
Minn. Stat. § 120B.024 (Graduation Requirements; Course Credits)  
Minn. Stat. § 120B.07 (Early Graduation)  
Minn. Stat. § 120B.11 (School District Process)  
Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Involuntary Career Tracking Prohibited)  
Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)  
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)  
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)  
Minn. Rules Parts 3501.0800-3501.0815 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
Minn. Rules Parts 3501.1400-3501.1410 (Academic Standards for Physical Education)  
20 U.S.C. § 6301, *et seq.* (Every Student Succeeds Act)

***Cross References:*** MSBA/MASA Model Policy 104 (School District Mission Statement)  
MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)  
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)  
MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)  
MSBA/MASA Model Policy 616 (School District System Accountability)

Policy Adopted: 07/28/14  
Policy Revised: 12/12/16  
Policy Updated: 8/9/21  
Policy Revised: 7/11/22  
Policy Revised: 7/10/23

## **LIBRARY MATERIALS**

**606.5**

### **I. PURPOSE**

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

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

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

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

### **III. DEFINITIONS**

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

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

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

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

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

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

- A. The school board recognizes the expertise of the school district’s professional staff and the vital need of such staff to be responsible for selection of library materials.
- B. While recommendations by administrators, faculty members, students, parents, and other community members may be considered, the final responsibility for selection of library materials shall rest with the **library media specialist**.

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

- A. Selection Criteria: The library materials selection process should result in a library collection that, when considered as a whole, is consistent with the following criteria:
1. Library materials shall support and be consistent with the general educational goals of the state and the district and the aims and objectives of individual schools and specific courses;
  2. Library materials shall be chosen to enrich and support the curriculum as well as to promote reading for pleasure by responding to the personal needs and interests of student users;
  3. Library materials shall not be excluded because of the race, nationality,

religion, sex, gender, or political views of the writer;

4. Library materials shall be appropriate to and reflect the needs, ages, maturity level, emotional development, ability levels, learning styles, social development, background, diversity, and needs and interests of the students for whom the materials were selected;
5. Library materials shall meet high standards of quality in one or more of these categories (presented alphabetically):
  - a. Artistic quality and/or literary style;
  - b. Authenticity;
  - c. Critical thinking;
  - d. Educational significance;
  - e. Factual content;
  - f. High interest for intended audience; and
  - g. Readability.
6. The selection of library materials shall conform to the constraints of the school district budget.

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

**[NOTE: A school board may choose to adopt similar selection criteria for classroom library materials, with the classroom teacher making selection decisions. If a school board chooses to address classroom libraries, the board can decide whether to follow the reconsideration process in this model policy or to create a different process for classroom library materials.]**

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

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

- C. The superintendent or the superintendent's designee shall be responsible for

keeping the school board informed of progress on review and selection of each building's library materials.

- D. Library materials that are outdated, inaccurate, no longer useful for curricular support or reading enrichment, or have not been utilized for an extended period of time may be removed. Library materials that are in poor physical condition may be removed or replaced as determined by the **library media specialist** or the principal.
- E. Gifts and Donations of Library Materials

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

## V. INDIVIDUAL STUDENT ACCESS TO SPECIFIC LIBRARY MATERIAL

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

## VI. RECONSIDERATION OF SPECIFIC LIBRARY MATERIAL

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

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

- C. Informal Request for Reconsideration of Specific Library Material
  - 1. Requests for reconsideration of specific library material shall be directed to the **library media specialist** and the building principal. The building principal and the **library media specialist** shall assume responsibility for processing the request on an informal basis.

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

D. Formal Request for Reconsideration of Specific Library Collection Material

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

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

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

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

**Review Committees for individual schools.]**

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

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

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

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

**Legal References:** Minn. Stat. § 120A.22, Subd. 9 (Compulsory Instruction)  
Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
Minn. Stat. § 123B.09 (School Board Responsibilities)  
Minn. Stat. § 124D.901 (Public School Libraries and Media Centers)  
Minn. Rules Part 8710.4550 (Library Media Specialists)  
*Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S.  
853 (1982)  
*Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943)

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