

Agenda Independent School District 279 School Board	Regular Business Meeting Educational Service Center - N10 11200 93rd Ave N Maple Grove, MN 55369 Tuesday, December 12, 2023 5:00 PM
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Our mission is to inspire and prepare each and every scholar with the confidence, courage and competence to achieve their dreams; contribute to community; and engage in a lifetime of learning.

This regular meeting of the Osseo School Board is being conducted the Board Room of the Educational Service Center, and is open to the public. The meeting can be monitored electronically by streaming online at district279.org/info-center/school-board (Watch Livestream). An archived recording will also be available on the district website.

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Tim Palmatier
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5. Next Meeting: March 12, 2024
6. 5:45 p.m. Adjournment

To accommodate individuals with disabilities, this material will be made available in alternative formats upon request. Individuals with disabilities are invited to request reasonable accommodations to participate in or attend a district activity, call your local school or the school district at least seventy-two (72) hours in advance (two-week notice preferred). Members of the public can view and download School Board meeting notices and regular meeting agendas and materials from the district website www.district279.org, under "Info Center > School Board."

POLICY 740- ELECTRONIC SIGNATURES

I. PURPOSE

The purpose of this policy is to document the school board's desire to allow school district representatives to send and accept electronic signatures for the purpose of conducting official business to the extent permitted by law and to outline the extent to which the school district will send, accept, and rely on electronic signatures.

II. GENERAL STATEMENT OF POLICY

The school board delegates to the Superintendent and the Superintendent's delegee the authority to determine the extent to which the School District will send, accept, and otherwise create, generate, communicate, store, process, use, and rely upon electronic signatures to and from other persons. For an electronic transaction to be valid, each party must agree to conduct the transaction electronically. If a law prohibits a transaction from occurring electronically, the transaction must occur in the manner specified by law.

III. DEFINITIONS

- A. *Authentication.* Authentication means the process used to ascertain the identity of a person or the integrity of specific information. Authentication ensures that the user applying an electronic signature is in fact who they say they are and is authorized to sign.
- B. *Electronic signatures.* Electronic signatures means a digital or digitized signature made by electronic sound, symbol or process that is attached to or logically associated with a record and that is executed or adopted with the intent to sign the record.
- C. *Transaction.* Transaction means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

IV. GENERAL STANDARDS

- A. This policy shall only apply to transactions between the District and parties that have consented to conduct transactions by electronic means. Consent to conduct transactions by electronic means is determined from the context of the transaction and surrounding circumstances, including the parties' conduct.
- B. An electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any authentication or other security procedure the District applies to determine the person to which the electronic signature was attributable. The effect of an electronic signature shall be determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement to engage in an electronic transaction, if any.
- C. Electronic signatures shall be retained with their associated records according to the school district's regular records retention schedule.

V. AUTHORITY AND RESPONSIBILITIES

- A. The Superintendent and the Superintendent's delegee is delegated authority to determine the extent to which the school district will accept and use electronic signatures to facilitate transactions involving official school district business.
- B. The Superintendent shall adopt and implement all system procedures necessary to accept and use electronic signatures to the extent determined by the Superintendent.

The District's system procedures shall be developed in consultation with other appropriate District personnel and shall ensure that all legal requirements are met. Any potential operational risk associated with the use of an electronic signature must be offset by the anticipated benefit of receiving electronic signatures. Consistent with Minnesota law, these system procedures may specify:

1. The manner and format in which the electronic records attached to the electronic signatures will be created, generated, sent, communicated, received, and stored and the systems established for those purposes;
 2. The type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate a transaction;
 3. Control processes and procedures that will ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and
 4. Any other required attributes for electronic records which are specified for corresponding nonelectric records or reasonably necessary under the circumstances.
- C. Nothing in this policy is intended to authorize any individual to provide an electronic signature on behalf of the school board or school district, unless he or she has been granted such authority pursuant to a delegation of authority by the school board, a specific school board policy, or a law.
- D. The District may maintain official records in an electronic format provided that the relevant record retention schedule is updated to reflect electronic record management and the electronic records are trustworthy, complete, accessible, and durable.

Policy Adopted:

Legal References

Minn. Stat. §3251.01 (Uniform Electronic Transactions Act)
Minn. Stat. § 123B.09, Subd. 1 (School Boards Powers)
Minn. Stat. §123B.02, Subd. 1 (School District Powers)
Minn. Stat. § 15.17 (Official Records)
SN4, LLC v. Anchor Bank, fsb, 848 N.W.2d 559, 562 (Minn. App. 2014)

POLICY 406 – PUBLIC AND PRIVATE PERSONNEL DATA

I. PURPOSE

The purpose of this policy is to provide guidance to school district employees as to the data the school district collects and maintains regarding its personnel.

II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained or disseminated by the school district which are classified by statute or federal law as public, will be accessible to the public pursuant to the procedures established by the school district.
- B. All other data on individuals are private or confidential.
- C. Employees may authorize release of private data about themselves through use of the Employee Authorization for Release of Private Personnel Data.

III. RESPONSIBLE AUTHORITY

- A. The superintendent is the responsible authority for the school district for carryout the duties and responsibilities of government entities for collection, maintaining, and disseminating government data as required by federal or state laws. By written appointment orders, the Superintendent may delegate responsibilities to designees who are employed by the school district.
- B. Requests for public and private personnel data should be made to the Data Practices Compliance Official
- C. The Data Practices Compliance Official will be appointed by the Superintendent.

Revised: 01/17/17

Revised: 09/23/14

Revised: 09/10/13

Adopted: 11/03/04

Amended: 11/1/11

Cross References:

Policy 515 – Protection and Privacy of Education Records

Legal References:

Minn. R.ch. 1205 (Data Practices)

Minn. Stat. ch.13 (Minnesota Government Data Practices Act)

Minn. Stat. § 122A.20, subd. 2 (Mandatory Reporting)

Minn. Stat. § 253B.07n subd. 1

45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

POLICY 414 – MANDATED REPORTING OF CHILD NEGLECT OR ABUSE

- I. In accordance with M.S. 626.556 – Reporting of Maltreatment of Minors, the school district requires the reporting of suspected maltreatment of children or vulnerable adults.
- II. Reporting Requirements
 - A. Any employee or agent of the school district who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years, will immediately report the information to the local welfare agency, police department, county sheriff, Minnesota Department of Education, or other required agency.
 - B. Any employee or agent of the school district who knows or has reason to believe a vulnerable adult who attends a school district program is being abused will report immediately to the Hennepin County Common Entry Point for adult protection.
 - C. Employees and agents of the school district will not retaliate against any employee who in good faith makes a report required under this Policy 414.
 - D. Employees and agents of the school district will not retaliate against any child or vulnerable adult about whom any report is made.
- III. Responsibility
 - A. The Superintendent is authorized to issue regulations for the implementation of this policy and to provide for such training for staff as is necessary to implement the policy.

Revised: 7/23/13
Adopted: 2/2/99
(formerly Policy 5412)

Revised: 2/20/90
Revised: 6/19/84
Adopted: 11/18/80

Legal References:

M.S. 626.556
M.S. 245.825
M.S. 609.321 - 609.324
M.S. 609.341 - 609.324
M.S. 617.246
M.S. 122A.20, Subd. 2
M.S. 13.01, et seq
M.S. 609.379

Cross References:

Policy 507 - Corporal Punishment
Policy 515 – Protection and Privacy of Education Records

PROCEDURE 414 – MANDATED REPORTING OF MALTREATMENT OF CHILDREN OR VULNERABLE ADULTS

- I. Purpose

The purpose of this regulation is to establish the procedures employees must follow in making reports required under law of suspected maltreatment of children or vulnerable adults who are students in the school district; to give guidance on the procedures involved in investigation of allegations; the records maintenance requirements for allegations of abuse or potential abuse; and define the terms used in Policy and Procedure 414.
- II. Responsibilities of Employees
 - A. If physical injury to the child or vulnerable adult is apparent, the employee shall follow general procedures to protect the child or vulnerable adult, depending on the circumstances and severity of the injury, including but not limited to:
 1. Obtaining the assistance of school health staff;
 2. Calling, or ordering a call to 911 emergency services;
 3. Providing immediate first aid until other responders arrive and the employee is released from further assistance.
 - B. An employee should make a report if circumstances or information received leads the employee in good faith to suspect or believe that maltreatment has occurred.
- III. Procedure for Reporting
 - A. Suspected abuse or neglect outside of the school by someone other than an employee or other personnel of the school district.
 1. Employees who suspect or who have reason to believe that maltreatment of children or vulnerable adults who are students in the school district has taken place should immediately notify the Hennepin County Child Protection Intake division if a child (612-348-3552 Fax: 612-466-9581), or Hennepin County Adult Protection Intake if over eighteen (18) and a vulnerable adult (612-348-8526), and relay the following information:
 - a. The identity of the child or vulnerable adult;
 - b. The identity of any person believed to be responsible for the maltreatment if known;
 - c. The nature and extent of the maltreatment;
 - d. The reporter's name and address;
 - e. The reporter's affiliation with the school district, including position title and school or other location.
 2. If report concerns a child, within 72 hours the reporter shall transmit a written report of the suspected maltreatment to Hennepin County Child Protection.
 3. If the suspected or known behavior is a crime, the reporter may make the initial and written reports to the local Police Department (e.g. Brooklyn Park Police Department or Maple Grove Police Department). If the initial report is made to Hennepin County Child Protection Department, that department may direct the reporter to call the appropriate law enforcement agency.

- B. Suspected abuse or neglect has occurred due to the actions or inaction of an employee or other personnel of the school district.
 - 1. The employee completes the legal reporting process. Employees who suspect or who have reason to believe that maltreatment of children who are students in the school district has occurred and was caused by an employee or other personnel of the school district should
 - a. In the event that the student is younger than eighteen years of age, the reporter should immediately:
 - i. make a telephone report to the Minnesota Department of Education (651-582-8200); and/or
 - ii. transmit a written report to the Minnesota Department of Education (Fax: 651-582-8809) on the department's prescribed form within 72 hours (exclusive of weekends and holidays);
 - iii. inform the school principal or site administrator that the employee has made such a report; and
 - iv. within 72 hours (exclusive of weekends and holidays) of making a report transmit a copy of the report form to the school district Human Resources department
 - b. In the event that the student is eighteen years of age or older, the reporter should immediately:
 - i. make a telephone report to the Hennepin County Adult Protection Intake (telephone 612-348-8526);
 - ii. follow any instructions from Hennepin County Adult Protection Intake;
 - iii. inform the school principal or site administrator that the employee has made such a report;
 - iv. within 72 hours (exclusive of weekends and holidays) of making a report transmit a copy of the report form to the school district Human Resources Department.
 - 2. In the event that the suspected perpetrator of the alleged maltreatment is the school principal, site administrator, or department head, the reporter shall inform the school principal's or site administrator's supervisor that such a report has been made.
- C. Employees who know or who have reason to believe that a kidnapping of a child or a deprivation of parental rights has occurred with the regard to a child shall report that information to the local police department and to the school's resource officer immediately.

IV. Responsibilities of Principals, Site Administrators and Department Heads, or Other Supervisors

- A. When a principal, site administrator, department head, or other supervisor receives information that a report of suspected maltreatment of a child or a vulnerable adult by an employee under their supervision has been made, she/he shall:
 - 1. Establish that all reporting requirements of Section III. have been completed, or direct that they be completed;
 - 2. Assure that the child or vulnerable adult is not in the care of the employee or other personnel of the school district suspected of maltreatment;

3. Notify the parent or legal guardian of the child or vulnerable adult that an incident has occurred;
 4. Notify the appropriate Assistant Superintendent that such a report has been made, and what actions have been taken;
 5. Consult with the school district's Human Resources department regarding actions, if any, to take with respect to the suspected perpetrator; and
 6. Determine whether or not the alleged act constitutes a violation of the Policy 413 prohibiting Harassment and Violence, and if found that it does also follow the procedures required by that policy.
- B. Under no circumstances shall a principal, site administrator, department head or other supervisor dissuade or attempt to dissuade a person required to make a report from doing so.
- C. Unless the principal, site administrator, department head or other supervisor is absent from the premises, the duties above shall not be relegated to another.

V. Investigation

- A. Suspected maltreatment outside of the school due to the actions or inaction of someone other than an employee or other personnel of the school district.
1. The responsibility for investigating reports of suspected neglect or physical or sexual abuse of a child or maltreatment of a vulnerable adult rests with Hennepin County and Vulnerable Adult Protection Services. The investigating authority may:
 - a. Interview the child or vulnerable adult at school or elsewhere, at their discretion as to location and permissible presence of any district representative at the interview.
 - i. If the interview is to take place at a district school, the interviewer should provide the written notice of the intent to interview to the principal, site administrator or her/his designee prior to the interview.
 - ii. The principal, site administrator or her/his designee may determine the following with regard to the interview taking place at a district site:
 - (1) The time, as long as the interview may be conducted as soon as practicable but in no cases longer than 24 hours (excluding weekends and holidays) after the notification of the intent to interview, unless a later time is deemed necessary by agreement between the principal, site administrator, her/his designee and the agency conducting the interview;
 - (2) The place within the school or site for the interview; and
 - (3) What manner, time, and place for the interview will cause the least disruption of the educational program of the child, vulnerable adult, other students or school employees.
 - b. Interview any person responsible for the care of the child or the vulnerable adult;
 - c. Interview the alleged perpetrator; and
 - d. Interview any person believed to have knowledge of the maltreatment.
 2. The principal, site administrator or her/his designee, or any employee or other personnel of the school district, will not inform the parent or guardian of the child or vulnerable adult of any notification that an interview of the child or vulnerable adult will be conducted at the school unless or until the investigating authority has notified

the school district in writing that the investigation or assessment has been concluded.

3. The principal, site administrator, designee, or any employee or other personnel of the school district will cooperate with the investigation and abide by the determinations of the investigating agency.

B. Suspected maltreatment has occurred due to the actions or inactions of an employee or other personnel of the school district.

1. The school district will conduct its own investigation, in addition to any investigation of the report by the local welfare offices, or local police department responsible, or the Minnesota Department of Education.
 - a. Initial investigation of reports will be conducted by the principal or site administrator working in consultation with the school district's Human Resources Department.
 - b. In the event that the principal or site administrator is absent from the site, the supervising assistant superintendent, Department of Leadership Teaching and Learning (DLTL), or her/his designee will conduct the investigation.
 - c. In the event the principal or site administrator is the alleged perpetrator of the maltreatment, the school district's Human Resources Department will conduct all investigations related to the report.
2. Investigation may include interviewing the alleged victim of maltreatment, or any student, employee or other personnel of the school district that the investigator believes may have information regarding the suspected maltreatment.

VI. Maintenance of School Records Concerning Abuse or Potential Abuse

Principals will annually review Policy 414 – Mandatory Reporting of Maltreatment of Children or Vulnerable Adults with their licensed and support staff. Policy 414 – Mandatory Reporting of Maltreatment of Children or Vulnerable Adults will be referenced in building staff handbooks.

- A. Any notification that a potentially abused or maltreated child or vulnerable adult will be interviewed on school district property is confidential data, and may not be divulged by the school district unless and until notified in writing by the investigating authority that the investigation has been concluded.
- B. The notification identified in Paragraphs V.A.1.a.(1) and VI.A above, shall be kept and maintained by the school district unless and until destruction is ordered in writing by the investigating agency or by a court of competent jurisdiction.

VII. Definitions Regarding Maltreatment of a Minor

The alphabetic listing of definitions of terms used in Policy and Procedure 414 related to maltreatment of a minor or vulnerable adult.

- A. "Child" means one under age eighteen (18) and an individual under age twenty-one (21), who is in foster care receiving foster care benefits past age 18 or in voluntary foster care for treatment.

- B. "Other personnel of the school" means any delegate of the school district, including independent contractors, volunteers and visitors, who provides any of the following services to the child:
1. Health services
 2. Education
 3. Social services
 4. Psychological services
 5. Law enforcement
 6. Child care services
- C. "Immediately" means as soon as possible, but in no event longer than twenty-four (24) hours.
- D. "Maltreatment" means any of the following alone, or together:
1. Neglect;
 2. Abuse of a physical or sexual nature;
 3. Mental injury;
 4. Threatened injury.
- E. "Mandated Reporter" means any employee or other personnel of the school who knows or has reason to believe a child is being neglected, physically or sexually abused or physically or sexually abused within the preceding three years.
- F. "Mental Injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- G. "Neglect"
1. Means:
 - a. Failure by a person responsible for a child's care to supply a child with the necessary items that follow when reasonably able to do so:
 - i. Food
 - ii. Clothing
 - iii. Shelter
 - iv. Health services
 - v. Medical care
 - vi. Other care required for the child's physical or mental health including growth delay, or a failure to thrive that has been diagnosed by a physician and is due to parental neglect.
 - b. Failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so;
 - c. Failure to provide for the appropriate supervision or child care arrangements when reasonably able to do so taking into consideration the child's:
 - i. Age
 - ii. Mental ability
 - iii. Physical condition
 - iv. Length of absence of the person responsible for the child
 - v. Environment

- vi. Ability of the child to care for his or her own basic needs or safety
- vii. Ability of the child to care for the basic needs and safety of another child in her or his care.
- d. Failure to ensure that a child is educated in accordance with state law, but not including the parent's refusal to provide the child with sympathomimetic medications;
- e. Prenatal exposure to a controlled substance used by the mother for nonmedical purpose, when exposure is evidenced by
 - i. Withdrawal symptoms in the child at birth;
 - ii. Results of a toxicology test performed on the mother at delivery or the child's birth;
 - iii. Medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder
- f. Medical neglect as defined by Minnesota Statutes.
- g. Chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs or safety; or
- h. Emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by:
 - i. A substantial and observable effect in the child's behavior;
 - ii. Emotional response
 - iii. Cognition that is not within the normal range for the child's age and stage of development, with due regard for the child's culture.
- 2. Does not mean:
 - a. Using spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where lack of medical care may cause serious danger to the child's health.
 - b. Refusing to provide a child with sympathomimetic medications.

H. "Person responsible for the child's care" means:

- 1. An individual functioning within the family unit and having responsibilities for the care of the child such as parent, guardian, or other person having similar care responsibilities; or
- 2. An individual functioning outside the family unit and having responsibilities for the care of child, including but not limited to:
 - a. Teacher
 - b. School administrator
 - c. School employees or agents
 - d. Day care provider
 - e. Babysitter, whether paid or unpaid
 - f. Counselor
 - g. Coach

I. "Physical Abuse"

- 1. Means

- a. Any of the injuries listed in Paragraph VII.I.1.b upon a child by person responsible for a child's care where
 - i. the means are other than accidental, or
 - ii. cannot be explained by the child's history of injuries, or
 - iii. the means are any aversive or deprivation procedures or regulated interventions that have not been authorized by Minnesota statutes relating to permissible aversion and deprivation procedures in schools.
- b. Injuries that are
 - i. Physical, including but not limited to the following actions done anger or without regard to the safety of the child;
 - (1) Throwing, kicking, burning, biting, or cutting;
 - (2) Striking with a closed fist;
 - (3) Shaking a child under age three;
 - (4) Causing a non-accidental injury to a child under 18 months of age;
 - (5) Unreasonable interference with a child's breathing
 - (6) Threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd., 6;
 - (7) Striking a child under age one (1) on the face or head;
 - (8) Purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances that are not prescribed for the child by a health practitioner, in order to punish or control the child;
 - (9) Giving the child substances that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substance(s)
 - (10) Unreasonable physical confinement or restraint not permitted by Minn. Stat. § 609.379, including, but not limited to:
 - (a) Tying
 - (b) Caging
 - (c) Chaining
 - (11) While in a school or in a school zone, using corporal punishment as defined by Minn. Stat. § 121A.58,
 - ii. Does not mean
 - (1) Reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury, or
 - (2) Reasonable force by a teacher, principal, or school employee as allowed in Minnesota Statutes related to correcting or restraining a student, and to use reasonable force to prevent bodily harm of another.

J. "Sexual Abuse" means

- 1. The subjection of a child to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct by
 - a. A person responsible for the child's care
 - b. A person who has a significant relationship to the child (as defined by Minnesota Statutes § 609.341, Subd. 15)
 - c. A person in a position of authority (as defined by Minn. Stat. § 609.341, Subd. 10)
- 2. Sexual contact;
- 3. Sexual penetration;

4. Any act involving a minor in prostitution;
5. Use of a child in a sexual performance;
6. Threatened sexual abuse; including the status of a parent or household member who has committed a violation that requires registration under Minn. Stat. § 243.166, Subd. 1(a) or (b) (Registration of Predatory Offenders).

- K. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. It includes, but is not limited to:
1. Exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from egregious harm;
 2. Exposing a child to a person whose parental rights were involuntarily terminated
 3. Exposing a child to a person from whom legal and physical custody has been involuntarily transferred to another.

VIII. Definitions Regarding Maltreatment of a Vulnerable Adult

The alphabetic listing of definitions of terms used in Policy 414 related to maltreatment of a vulnerable adult.

A. "Abuse" means

1. An act against a vulnerable adult that constitutes a violation of, or an attempt to violate, or aiding and abetting a violation of any of the following whether or not there are criminal proceedings or convictions stemming from the act:
 - a. Criminal assault
 - b. The use of drugs to injure
 - c. The use of drugs to facilitate crime
 - d. The solicitation, inducement or promotion of prostitution
 - e. Criminal sexual conduct.
2. Conduct which is not an accident or therapeutic conduct as defined in this section which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to:
 - a. Hitting, slapping, kicking, pinching, biting or corporal punishment;
 - b. Use of repeated or malicious oral, written or gestured language toward a vulnerable adult that a reasonable person would consider
 - i. Disparaging
 - ii. Derogatory
 - iii. Humiliating
 - iv. Harassing
 - v. Threatening.
 - c. Use of any aversive or deprivation procedure against the will of the vulnerable adult or the legal representative of the vulnerable adult;
 - d. Use of any confinement or involuntary seclusion against the will of the vulnerable adult or the legal representative of the vulnerable adult;
 - e. Forced separation from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult;
 - f. Use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota law;

- g. Sexual contact or penetration between a facility staff person or a person providing services in the facility and the vulnerable adult;
 - h. The act of forcing, compelling or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

- B. "Caregiver" means an individual or facility who has the responsibility for the care of a vulnerable adult due to
 - 1. Family relationship, or
 - 2. Contract or agreement to provide for the vulnerable adult.

- C. "Employee" means any professional employee or employee's designate who provides any of the following services to the vulnerable adult on behalf of the school district:
 - 1. Health services
 - 2. Education
 - 3. Social services
 - 4. Psychological services
 - 5. Law enforcement
 - 6. Child care services

- D. "Financial Exploitation" means
 - 1. A breach of fiduciary duty in making un-authorization expenditures of funds entrusted to the individual for the benefit of the vulnerable adult;
 - 2. Failure to provide the services identified in Paragraph VIII.H.1.b when such failure results in, or is likely to result in, detriment to the vulnerable adult;
 - 3. Willful use, withholding or disposal of funds or property of a vulnerable adult;
 - 4. Acquisitions of the funds or property of a vulnerable adult through
 - a. Undue influence
 - b. Duress
 - c. Harassment
 - d. Deception
 - e. Fraud
 - 5. Causing a vulnerable adult to perform services against the adult's will for the profit or advantage of another by the use of
 - a. Force,
 - b. Coercion or
 - c. Enticement

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

- F. "Mandated Reporter" means any employee or other personnel of the school district who has reason to believe that a vulnerable adult is being or has been maltreated.

- G. "Maltreatment" means the following behaviors toward a vulnerable adult:
 - 1. Neglect;
 - 2. Abuse;
 - 3. Financial exploitation.

H. "Neglect"

1. Means

- a. A failure or omission by a caregiver to provide any of the care or services identified in Paragraph VIII.H.1.b, which is or are
 - i. Reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and
 - ii. Not the result of an accident or therapeutic conduct.
- b. Services or care
 - i. Food
 - ii. Clothing
 - iii. Shelter
 - iv. Health care
 - v. Supervision
- c. The absence or likelihood of absence of the care and services described in Paragraph VIII.H.1.b which are
 - i. Necessary to maintain the physical and mental health of the vulnerable adult,
 - ii. Essential given a reasonable person's estimation considering the physical or mental capacity or dysfunction of the vulnerable adult.
- d. Does not mean actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17 related to certain health care and lifestyle decisions.

I. "Other personnel of the school district" means any person, including independent contractors, volunteers and visitors who provides any of the following services to the child on behalf of the school district:

1. Health services
2. Education
3. Social services
4. Psychological services
5. Law enforcement
6. Child care services

J. "Vulnerable Adult" means any person 18 years of age or older who

1. Is a resident or inpatient of a facility;
2. Receives services at or from a licensed facility which serves adults;
3. Receives services at or from a licensed home care provider or
4. Regardless of residence or type of service received due to impairment of the person's mental or physical function or emotional status:
 - a. Is unable to adequately provide the person's own care
 - b. Is unable to adequately provide the person's own protection from maltreatment.

Revised: 9/23/14

Revised: 11/19/13

Revised: 7/23/13

Procedure 414 Dated: 2/2/99 (formerly Procedure 5412)

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Revised: 2/20/90
Revised: 6/19/84
Policy Dated: 11/18/80

Legal References:

M.S. 13.01, et seq.
M.S. 626.556
M.S. 626.557
M.S. 245.825
M.S. 609.321 – 609.324
M.S. 609.341 – 609.345
M.S. 609.379
M.S. 1301, et seq.
M.S. 609.379
M.S. 617.246
M.S. 122A.20, Subd. 2

Cross References:

Policy 507 - Corporal Punishment
Policy 515 – Protection and Privacy of Education Records

PROCEDURE 416 – DRUG AND ALCOHOL TESTING

I. DEFINITIONS

- A. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- B. "Alcohol and/or Drug Testing" means analysis of a body component sample according to the standards established under one of the programs authorized under state law to perform the test for employers, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
- C. "CDL" means a commercial driver's license.
- D. "CDL Employee" means an employee in a safety-sensitive position.
- E. "Confirmatory test" or "confirmatory retest" means a drug or alcohol test that uses a method of analysis allowed under state law.
- F. "Drug" means any substance (other than alcohol) that is a controlled substance as defined in Minn. Stat. § 152.01, subd. 4.
- G. "Employee", unless otherwise noted, means an employee of the school district whose job duties do not include safety-sensitive functions or require holding a commercial driver's license (CDL).
- H. "Follow-up Testing" means unannounced testing of a CDL employee after a substance abuse professional (SAP) has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances. The testing directed by the SAP may be for up to sixty (60) months after completing a treatment program.
- I. "Initial screening test" means a drug or alcohol test that uses a method of analysis under one of the programs allowed by state law for alcohol and/or drug testing for employees.
- J. "Medical Review Officer" (MRO) means a physician who reviews all drug tests and reports them back to the employer.
- K. "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 used to conduct an alcohol and/or drug test.
- L. "Post-Accident Testing" means testing is done as soon as practicable following an accident involving a commercial motor vehicle 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. Pursuant to 49 CFR 382.303, alcohol tests shall be administered two hours following the accident. If a test required under this section is not administered within two hours, the district shall maintain a file stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the school district must cease attempts to administer an alcohol test and will prepare a record stating the reasons the test was not promptly administered.
- M. "Random Testing" means tests on a random basis at unannounced times throughout the year, as required by the federal regulations.
- N. "Reasonable suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
- O. "Return to Duty Testing" means testing of a CDL employee found to have violated this policy who has successfully complied with prescribed education and/or treatment conducted prior to the employee's return to duty.
- P. "Safety-sensitive positions" are positions requiring a commercial driver's license (CDL) as a qualification of employment and may include truck drivers, custodian positions of district grounds lead, outside/ice arena, carpenter lead, outside person, maintenance mechanic.
- Q. "Safety-sensitive functions" means any of the following:
 - 1. Driving, operating, or being in physical control of a vehicle; the time spent waiting to be dispatched or remaining in readiness to operate the vehicle; inspecting servicing or conditioning equipment; being in or on a commercial motor vehicle; loading or unloading the vehicle; securing the vehicle and time spent performing the driver requirements associated with an accident; and

2. Repairing, obtaining assistance for, or attending to a disabled vehicle.

II REQUIRED NOTICES

- A. The school district will provide notice of its drug testing policy for all employees and will post notice of the policy in an appropriate and conspicuous location at each school district site. The notice will notify employees of the availability of Policy and Procedure 416, at each school district site, for inspection and copying. Policy and Procedure 416 are also available on the school district's website.
- B. Before requesting or requiring an employee to undergo alcohol or drug testing, the school district will provide the employee with written notice on which to acknowledge that the employee has seen the district's alcohol and drug testing policy.
- C. Employees subject to testing will receive notice of test results reported to the school district, and a notice of various rights including limitations on employee discharge, discipline, and discrimination within three working days after the school district receives the report from the testing laboratory. This notice must include discussion of the employee's right to a copy of the test results, their right to explain the test result, and their right to request a confirmatory retest.

III EMPLOYEE RIGHTS

- A. Employees who undergo testing have the right to request copies of their test results.
- B. Employees will be given the opportunity to explain any positive confirmatory test result within three working days after receiving notice of such a result.
- C. An employee, whose confirmatory test result is positive, may request a confirmatory retest, at the employee's own expense. Such a request must be made within five working days after the employee was notified of the positive test result.
- D. The school district may not discharge, discipline, discriminate against, or 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. The school district may temporarily place the employee on administrative leave or transfer the 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 determines that it is reasonably necessary to protect the health or safety of the employee, the employee's coworkers, students or the public.
- E. The school district will reinstate any employee who has been transferred on the basis of an initial screening result if the confirmatory test or requested confirmatory retest is negative.
- F. The school district will provide to employees access to information in their personnel file relating to positive test result reports and other information acquired in the alcohol and drug testing process and conclusions drawn from and actions taken based on the reports or other acquired information.
- G. The school district will maintain test result reports and other information acquired in the drug and alcohol testing process as private data on individuals and will not disclose the reports or other information without the express written consent of the employee tested unless authorized by law in the circumstances set out in III.H. below.
- H. Evidence of a positive test result may be:
 1. Used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minn. Stat. ch. 43A or other 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/or
 3. Disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.
- I. Positive test results may not be used as evidence in a criminal action against the employee tested.

IV PROHIBITIONS

The following employee conduct is prohibited:

- A. Using, being under the influence of, or possessing illegal drugs;

- B. Using, or being under the influence of legal drugs whether or not prescribed for the employee that are being used at a level that adversely affects the employee's job performance;
- C. Reporting for work under the influence of alcohol or being under the influence of alcohol while at work.

V ALCOHOL AND DRUG TESTING OF EMPLOYEES REQUIRED TO HOLD A COMMERCIAL DRIVER'S LICENSE (CDL)

- A. Employees who are in safety-sensitive positions are required to undergo alcohol and drug testing in accordance with rules established by the Federal Highway Administration. The Department of Transportation (DOT) recognizes only urinalysis as a valid means for drug testing.
 - 1. The employees in safety sensitive positions will be subject to the following required types of alcohol and drug tests: pre-employment, post-accident, reasonable suspicion, random, return-to duty and follow-up.
 - 2. Employee alcohol and drug testing records are confidential but available to the tested employee. Test results and other confidential information will only be released to the employee's supervisor(s), district human resources officials and the substance abuse professional who is evaluating the employee.
- B. No employee in a safety-sensitive position will:
 - 1. Use alcohol or be under the influence of alcohol within four hours before going on duty or operating or having physical control of a commercial motor vehicle;
 - 2. Use alcohol, be under the influence of alcohol or have any measured alcohol concentration or detected presence of alcohol while on duty or operating or in physical control of a commercial motor vehicle;
 - 3. Be on duty or operate a commercial motor vehicle while in possession of an alcoholic beverage;
 - 4. Be on duty or operate a commercial motor vehicle if, by his or her general appearance or conduct or by other substantiating evidence, he or she appears to have used alcohol within the preceding four hours; or
 - 5. Engage in the illicit use of drugs on or off duty.
- C. The school district will provide employees in safety-sensitive positions with education and training on how alcohol and drugs might affect them and training on how to document behavioral changes in employees who might be abusing drugs.

VI TESTING METHODS FOR NON-SAFETY-SENSITIVE AND NON-CDL EMPLOYEES

All testing will be conducted by an approved facility.

A. Alcohol Testing

Alcohol testing will be done by analyzing an employee's bodily fluids through tests administered by the certified laboratory. The employee provides a sample to the school district's collector in a location that affords privacy, and the collector seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug testing laboratory that is licensed, accredited, or certified pursuant to Minnesota Statutes § 181.953. The specimen must always be in the possession of, in view of, or must be placed in a secure area by the person authorized to handle the sample.

- 1. The specimen is divided into two bottles and labeled as "primary" and "split" specimen.
- 2. A screening test will be conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test.
- 3. A second, or confirmation, test will be conducted if the alcohol concentration in the screening test is 0.02 or greater.
- 4. Only the primary specimen is opened and used for the analysis by the testing laboratory. The split specimen bottle remains sealed and is stored at the laboratory.
- 5. If the analysis of the primary specimen confirms the presence of alcohol, the original testing laboratory will conduct a confirmatory test pursuant to the Minnesota Statutes §181.953. The employee will be notified of the positive results in writing within 72 hours and may request an additional confirmatory test and will have 72 hours to request the

split specimen to be sent for analysis at the original laboratory or another certified testing laboratory licensed, accredited, or certified pursuant to Minnesota Statutes § 181.952.

B. Drug Testing

Drug testing will be done by analyzing an employee's urine specimen. The employee provides a urine specimen in a location that affords privacy, and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug testing laboratory that is licensed, accredited, or certified pursuant to Minnesota Statutes §181.953. Pursuant to Minnesota Statutes §181.953, the specimen must always be in the possession of, in view of, or must be placed in a secure area by the person authorized to handle the sample.

1. The specimen is divided into two bottles labeled as a "primary" and a "split" specimen.
2. Only the primary specimen is opened and used for the urinalysis by the drug testing laboratory. The split specimen bottle remains sealed and is stored at the laboratory.
3. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the original testing laboratory shall conduct a confirmatory test pursuant to Minnesota Statutes §181.953 subd. 3. The employee will be notified of the positive results in writing within 72 hours and may request an additional confirmatory test of the split specimen at the original laboratory or another drug testing laboratory licensed, accredited, or certified pursuant to Minnesota Statutes §181.952.

C. The refusal by an employee to take a required test will be documented by the employee's supervisor.

VII RESPONSE TO RESULTS OF ALCOHOL AND DRUG TESTS OF EMPLOYEES IN SAFETY-SENSITIVE POSITIONS

A. Alcohol

1. An employee who has any alcohol concentration in their breath when tested just before, during or just after performing a safety-sensitive function will be removed from performing safety-sensitive duties for at least 24 hours.
2. No employee will use alcohol while performing safety-sensitive functions. No employee will perform safety-sensitive functions within four hours after using alcohol. No employee will report for duty or remain on duty requiring the performance of a safety-sensitive function while having an alcohol concentration of 0.02 or greater. An employee with an alcohol concentration of 0.02 or greater will be immediately removed from functions which require a CDL and upon the application of all required testing procedures and rights, will either be reassigned to duties that do not require a commercial driver's license or terminated from employment.
3. The district will advise the employee of the resources available to help evaluate and resolve problems associated with misuse of alcohol, including the names, addresses and telephone numbers of substance abuse professionals, counseling centers and treatment programs.
4. If a breath test cannot be administered to an employee whose behavior or appearance suggests alcohol misuse, the employee will be removed from performing duties which require a CDL for at least 24 hours.

B. Drugs

1. An employee who has a positive drug test result will be removed from duty which requires a CDL after the employee has been interviewed by a medical review officer (MRO) and the MRO has determined that the positive drug test resulted from the unauthorized use of a controlled substance. At the discretion of the school district, the employee may either be reassigned to duties that do not require a CDL or terminated from employment.
2. The district will advise the employee of the resources available to help evaluate and resolve problems associated with misuse of controlled substances, including the names, addresses and telephone numbers of substance abuse professionals, counseling centers and treatment programs.
3. If the employee refuses to take a required test, the employee will be prohibited from performing safety-sensitive functions and will be subject to appropriate disciplinary action up to and including termination.

C. Termination

The employee may be terminated if one or more of the following items apply to that employee.

1. The employee has a confirmed alcohol test result with a concentration of 0.02 or greater;
2. The employee has a positive drug test for the unauthorized use of a controlled substance, and/or
3. The employee is disqualified from driving a commercial motor vehicle as a result of the requirements of state or federal law.

VIII EDUCATIONAL MATERIALS

The school district will provide educational materials to affected employees to meet the requirements of 49 C.F.R. Part 382.601. Each driver employee in a safety-sensitive position will be required to sign a statement certifying receipt of the educational materials. The school district will maintain the statement. Written notice of the availability of the educational materials will also be provided to representatives of employee organizations.

Revised: 10/20/15

Procedure 416 Adopted: 2/2/99 (formerly Procedure 4255)

Dated: 2/6/96

Legal References

49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)

49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)

49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

M. S. 181.950-.957 (Drug and Alcohol Testing in the Workplace)

Law Enforcement Labor Services, Inc. v. Sherburne County, et al., 695 N.W.2d 630 (Minn. App. 2005)

Policies 417, 418

POLICY 418 – DRUG-FREE WORKPLACE

I. PURPOSE

The purpose of this policy is to maintain a safe and healthy environment for employees by prohibiting employee use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products and controlled substances at any school district location.

II. GENERAL STATEMENT OF POLICY

- A. In compliance with the Drug-Free Workplace Act of 1988, the school district will maintain a drug-free workplace. The school district prohibits use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products or controlled substances while on a school location. Paraphernalia associated with controlled substances is also prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, or controlled substances in any school location.
- C. An individual may not use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13, including all facilities, whether owned, rented, or leased, and all vehicles that the school district owns, leases, rents, contracts for, or controls.
- D. The school district will act to enforce this policy and to discipline or take other appropriate action against any school employee who violates this policy.

III. DRUG FREE AWARENESS AND PREVENTION PROGRAM

- A. The superintendent or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students, and others about:
 - 1. The dangers and health risks of chemical abuse in the workplace/school.
 - 2. The school district's drug-free workplace/drug-free school policy.
 - 3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry, and/or assistance programs available to employees and/or students.The penalties that may be imposed on employees for drug abuse violations.

The superintendent or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction will report the same to the superintendent.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a school location, for such person's own use, a controlled substance (except medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products) which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.

- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).
- C. Employees who have a prescription for medical treatment with a controlled substance (except medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products) are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor of his or her required use. The employee may be required to provide a copy of the prescription.
- D. A violation does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minnesota Statutes section 624.701, subdivision 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

V. ENFORCEMENT

- A. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any school location.
- B. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board. If an employee violates this policy by lawfully using medical cannabis prescribed by their physician, the school district will consider alternatives to disciplinary consequence which take into account the identified medical needs of the employee and the school district's health and safety concerns.
- C. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program may be subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.

VI. NOTICE

Each employee shall be provided with written notice of this Drug-Free Workplace/Drug Free School policy and shall be required to acknowledge that he or she has received the policy.

- A. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- B. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.

Revised: 11/21/2023
 Revised: 01/16/2018
 Revised: 12/16/2013
 Adopted: 2/2/99 (formerly Policy 4154 & 4254)
 Adopted: 9/18/98

Legal References:

Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)
Minn. Stat. § 342.56 (Limitations)
Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Liquor in Certain Buildings or Grounds)
Minn. Stat. § 152.01, Subd. 15a (Definitions)
Minn. Stat. § 152.0264 (Cannabis Sale Crimes)
Minn. Stat. § 152.22, Subd. 6 (Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)
20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)
21 U.S.C. § 812 (Schedules of Controlled Substances)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

POLICY 419 – TOBACCO-FREE ENVIRONMENT

- I. Prohibition
The use of tobacco is prohibited for all persons within all school buildings, school vehicles or school contracted vehicles, or on school grounds during all hours of every calendar day. This prohibition will apply to all students and adults.
- II. Notification
Efforts will be made to give regular notice of this policy in employee handbooks, during new employee orientation, and by use of posters in employee lounges and other appropriate locations.
- III. Implementation
The success of this policy depends upon the consideration and cooperation of employees. All individuals on school premises share in the responsibility of enforcement. Violation of Policy 419 – Tobacco-Free Environment by employees will be referred to the appropriate supervisor for progressive discipline.

Policy 419 Adopted: 2/2/99 (formerly Policy 4152 & 4252))
Revised: 7/11/89
Policy Adopted: 6/7/88
Policy Effective: 1/1/89

POLICY 423 – EMPLOYEE-STUDENT RELATIONSHIPS

I. PURPOSE

The School Board recognizes that in order for the District to achieve its mission, a safe and healthy learning environment and appropriate employee-student relationships are essential. The District is committed to providing an educational environment in which all students are treated with respect and dignity. Every District employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct.

II. GENERAL STATEMENT OF POLICY

- A. School district employees should maintain professional relationships with their students in all their interactions with them whether on or off duty and on or off school district locations, including in the use of social media.
- B. At all times, ~~teachers and other~~ District employees will adhere to applicable standards of ethics and professional conduct as established by Minnesota law and will treat students with respect, courtesy, and consideration.
- C. ~~Teachers and other~~ District employees should act in a way that acknowledges and reflects their inherent positions of authority and influence over students. ~~Teachers and other~~ District employees should not intimidate, berate or shame students for sincerely held beliefs.
- D. ~~Teachers and other~~ District employees will cooperate with any investigation concerning allegations of actions, conduct, or communications that if proven, would violate this policy.
- E. The District recognizes that there are certain familial and other similar relationships that may provide exceptions.

III. ACTIONS THAT VIOLATE POLICY

- A. District employees must not engage in sexual relationships with students, regardless of the age of the student.
- B. District employees may not date students or have interaction or activity of a sexual nature with a student, regardless of the age of the student.
- C. District employees whose interactions with students through electronic communication violate Policy 423 are also in violation of Policy 441, Technology and Internet Acceptable Use By Staff.
- D. District employees must not commit or attempt to induce students or others to commit an illegal act or act of immoral conduct that may be harmful to others or bring discredit to the District.
- E. District employees must not supply alcohol or any illegal substance to a student, allow a student access to such substances or fail to take reasonable steps to prevent such access by a student.

IV. SCHOOL DISTRICT ACTION

- A. The District will promptly investigate allegations of violations of this policy.
- B. The District will take appropriate disciplinary action when it becomes aware of

conduct or communication including communication through a public online social media site that adversely affects the workplace or violates applicable professional codes of ethics.

- C. The District will not indemnify District employees determined to be acting outside the scope of their duties including actions that violate this policy, or who are otherwise guilty of malfeasance, willful neglect of duty, or bad faith.

Revised: 4/17/2018

Adopted: 6/18/2013

Cross References:

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

Policy 441-Technology and Internet Acceptable Use By Staff

Policy 707-Transportation of Students

Procedure 102-Equal Educational and Employment Opportunity

Legal References:

Minn. Stat. § 13.43, subd. 16

Minn. Stat. § 122A.20, subd. 2

Minn. Stat. § 122A.40, subds. 5(b), 13(b)

Minn. Stat. § 626.556; Minn. Rules 3512.5200 (Code of Ethics for School Administrators)

Minn. Rules 8700.7500 (Code of Ethics for Minnesota Teachers)

PROCEDURE 423 – EMPLOYEE-STUDENT RELATIONSHIPS

I. ROLES FOR SCHOOL DISTRICT EMPLOYEES

- A. District employees are expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must be and remain on a teacher-student basis or an employee-student basis.
- B. Teachers and administrators are expected to comply with their respective Codes of Ethics.
- C. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and is inappropriate.
- D. ~~Teachers and other~~ District employees have inherent positions of authority and influence over students and must be mindful of that status. ~~Teachers and other~~ District employees should not use their positions to intimidate, berate or shame students for sincerely held beliefs.
- E. District employees will maintain professional ethics and boundaries in their use of electronic communication including social media in their personal and professional lives. In order to maintain appropriate boundaries, District employees should consider separating personal and professional content online.
 - 1. Teachers may elect to use online social media in the classroom for purposes of instruction. If using social media in the classroom, teachers will instruct students on the appropriate use of the social media sites. Teachers using online social media in the classroom will ensure compliance with any applicable terms of use of the online social media site.
 - 2. The school district may take appropriate responsive action to an employee's private use of online social media if that use adversely affects the workplace or violates applicable professional codes of ethics.
 - 3. Employees, including coaches and advisors, who participate in online social media networking groups representing student groups, do so as employees of the district.

II. SAFEGUARDS FOR SCHOOL DISTRICT EMPLOYEES

- A. Consistent with professional ethics and the needs of individual students, District employees should avoid unnecessary physical contact with students.
- B. When meeting with a student, District employees should meet only in rooms with windows or keep doors to the meeting rooms open or meet in areas with others nearby.
- C. District employees should adhere to Policy #441 and Procedures #441, Technology and Internet Acceptable Use by Staff, in all electronic communication with students.
- D. District employees should adhere to Policy #707 and provide rides to students only in an emergency situation in accordance with authorization by the site manager. In such cases, two adults must be in the vehicle with the student.

III. REPORTING AND INVESTIGATION

- A. Employees with complaints or concerns about possible violations of Policy #423 will report their concerns to their supervisor, their supervisor's supervisor or the District's Human Rights Officer in accordance with Procedures #102.
- B. Employees will cooperate with investigations of allegations of violations of this policy.
- C. The District will promptly investigate allegations of violations of this policy.
- D. The District will report to the Minnesota Board of Teaching in accordance with legal reporting requirements.

Revised: 4/17/2018

Adopted: 6/18/2013

Cross References:

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

Policy 441-Technology and Internet Acceptable Use By Staff

Policy 707-Transportation of Students

Procedure 102-Equal Educational and Employment Opportunity

Legal References:

Minn. Stat. § 13.43, subd. 16

Minn. Stat. § 122A.20, subd. 2

Minn. Stat. § 122A.40, subds. 5(b), 13(b)

Minn. Stat. § 626.556

Minn. Rules 3512.5200 (Code of Ethics for School Administrators)

Minn. Rules 8700.7500 (Code of Ethics for Minnesota Teachers)

POLICY 452 - FIREARM RESTRICTIONS FOR EMPLOYEES

I. Purpose:

The purpose of this policy is to address enforcement of the Minnesota statutes regulating the carrying of firearms on school premises. In addition, the purpose of this policy is to provide sufficient guidance to allow school district officials to implement those legal requirements in a uniform way.

II. In accordance with Minnesota Statute, employees of the school district, while acting in the course and scope of employment, are prohibited from carrying firearms except that employees with a permit to carry firearms may keep a firearm in the interior of a vehicle while parked in a school district parking lot. Such employees may also carry the firearm outside the vehicle to directly place the firearm in the trunk or rear area of the vehicle.

III. ~~Principals/managers will annually review Policy 452 Carry Restrictions for Employees with all staff.~~ Policy 452 ~~Carry-Firearm~~ Restrictions for Employees will be referenced in staff handbooks, and staff are responsible to review the handbook annually.

Revised: 1/15/19

Adopted: 12/2/03

Legal References

Minnesota Citizens' Personal Protection Act (2003)

M.S. 97B.045

M.S. 624.714, subd. 2(c), subd. 17(b)(3), subd. 18

M.S. 624.713

M.S. 624.715

18 U.S.C. § 922(q)

M.S. 609.66, subd. 1d

M.S. 471.634

M.S. 471.633

POLICY 602 – SCHOOL CALENDAR

- I. The District requires a minimum scheduled calendar of 172 student contact days each school year. More than 172 student contact days may be scheduled in the calendar for any given year.
- II. If there is an emergency school closing, a decision may be made to make up the day. If emergency school closings drop the number of student contact days below 170, days must be made up to return to 170 student contact days.
- III. Conflicts
 - A. The school calendar should be drawn up so as to minimize conflict with the religious holidays, Sabbaths, and holy days of all faiths.
 - B. Where conflicts are unavoidable, care should be taken to avoid tests, special projects, introduction of new concepts and other activities which would be difficult to make up. Conversely, the students who remain in school should continue to have meaningful learning experiences.

Revised: 5/15/01 (formerly Policy 6210)

Adopted: 1/21/97

POLICY 614 – COMPLIANCE WITH STATE TESTS REQUIRED FOR GRADUATION

I. DISTRICT PLAN FOR STATE TESTS REQUIRED FOR GRADUATION

Procedures for testing, test security, reporting, documentation, notification to students and parents, and student recordkeeping in relation to the state tests required for graduation will be developed in accordance with Minnesota law, rule, and regulation.

Policy Revised: 1/15/09

Policy Revised: 12/4/07

Policy Revised: 10/3/00

Policy Adopted: 6/2/98

(formerly Policy 6101)

Legal References: MN Rule Parts 3501.0060 to 3501.0080; 3501.0120; 3501.0130; 3501.0050; 3501.0150; 3501.0090; 3501.0100, 3501.0110; 3501.0140 Subpart 2, 3501.0040, Subpart 2, item c; 3501.0050, Subpart 3. M.S. 13.34

POLICY 626 EDUCATIONAL PROGRAMS – GRADING AND REPORTING STUDENT ACHIEVEMENT

~~I.~~ Purpose

~~I.~~

The School Board recognizes that in order to achieve its mission, communication of student achievement and progress must be meaningful, accurate, consistent and supportive of learning. It is the School Board's position that a standards based grading system designed to accurately report student achievement of academic standards through providing consistency in grading practices across schools and classrooms, and aligning grading and reporting with standards based instruction and graduation requirements supports student learning and provides the most meaningful, accurate and consistent communication of a student's progress.

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II. General Statement of Policy: Grading and Reporting Standards of Practice

~~A.~~ Student academic grades will communicate academic achievement based on clearly defined academic performance standards.

~~A.~~

~~B.~~ Academic achievement will be separated from all other non-academic behaviors when teachers assign student grades.

~~B.~~

~~C.~~ Quality assessments and properly recorded evidence of achievement will be used when determining grades on student work.

~~C.~~

~~D.~~ Term grades will be determined in a manner that accurately represents students' attainment of the standards and promotes student learning.

~~D.~~

E. Teachers will involve students in the assessment and grading process throughout the learning cycle in an age-appropriate manner.

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III. Areas of Responsibility

The ISD 279 School Board establishes and creates an environment to ensure all students the opportunity to attain maximum potential through a sound organizational framework. The School Board recognizes and values parents and/or guardians and students as partners in supporting successful student learning.

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~~A.~~ The Superintendent will provide leadership and manage operations of the school district in order to implement and evaluate the Grading and Reporting Policy. The Superintendent will oversee the development and implementation of procedures and practices for grading and reporting student progress and achievement in Osseo Area Schools.

~~A.~~

~~B.~~ Site Leaders are responsible for ensuring implementation of the Grading and Reporting Standards of Practice within the programs and buildings they manage.

~~B.~~

~~C.~~ Teachers are responsible for effectively implementing classroom assessments and applying the Grading and Reporting Standards of Practice.

~~C.~~

~~C-D.~~ The school district allows for the use of weighted grades for classes that involve a more rigorous curriculum and course of study. Such classes may include: Advanced Placement classes (AP); International Baccalaureate classes (IB) and selected Autonomous Learner Program (ALP) classes. District high schools will specifically designate in registration handbooks (available online) all classes which afford weighted grading due to academic rigor.

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Policy Revised: 9/20/2016
Policy Adopted: 1/24/2012

Legal References

M.S. 123B.02, subd. 2 – General Powers of Independent School Districts
M.S. 123B.09, subd. 8 – Boards of Independent School Districts

~~School Board~~
~~INDEPENDENT SCHOOL DISTRICT 279~~
~~Osseo Area Schools~~

POLICY 645 – CHARTER SCHOOLS

The purpose of this policy is to establish guidance related to the sponsorship of schools that are chartered. Sponsorship means the granting of a charter to an organization or operator that enables the operator to implement a charter school. The district may consider charter sponsorship in order to advance its mission through unique charter organizational structure or services. The district intends to be a partner in the development, implementation and oversight of chartered schools in order to assure student achievement.

Applicants for district sponsorship of charter schools will comply with all timelines, requirements, and procedures as stated in M.S. 124D.10 – Charter Schools and subsequent statutory and/or regulatory revisions. All actions of the district regarding charter schools and all actions of acceptable charter school applicants will comply with M.S. 124D.10 - Charter Schools. However, the compliance of charter school applicants with M.S. 124D.10 – Charter Schools does not ensure sponsorship by the district.

Policy Revised: 10/21/08
Policy 645 Adopted: 10/16/01
(formerly Policy 540 - 12/7/99)
(formerly Policy 5125)
Policy Adopted: 10/21/97

Legal Reference:
M.S. 124D.10 - Charter Schools

PROCEDURE 647 PLEDGE OF ALLEGIANCE

I. Pledge of Allegiance

A. Recitation

1. Each school building will conduct a recitation of the Pledge of Allegiance on at least a weekly basis.
2. The recitation will consist of participants standing, facing the flag, placing their right hand over the heart, and reciting the Pledge of Allegiance in unison.
3. The principal will determine the manner of implementing this recitation, including day of week, time of day, and how the recitation will be led.

B. Voluntary Nature of Participation

1. Participation in the recitation of the Pledge of Allegiance will be voluntary on the part of all employees and students.
 - a. A teacher who individually chooses not to participate in the recitation of the Pledge of Allegiance may not refuse to implement the procedures determined by the principal nor may that teacher prevent students from participating.
 - b. Employees and students who choose not to participate in the recitation of the Pledge of Allegiance will sit or stand quietly and respectfully during the recitation. Non-participants may not be required to stand.
 - c. If a student requests permission to leave the room during the recitation, the teacher may grant or deny permission to leave the room, based on the teacher's authority for supervising the student. Students may not be required to leave the room during the recitation on the basis of non-participation.
2. Teachers, whether participating or not participating, will remain with their class during the recitation of the Pledge of Allegiance.

C. Protection of Voluntary Participation

1. No employee or student will be penalized or rewarded in any manner for participation or non-participation in the recitation of the Pledge of Allegiance, including terms and conditions of employment, rights and benefits, student grades, or other relationships with the school district.
2. Any employee or student, whether participating or not participating in the recitation of the Pledge of Allegiance, who disrupts the recitation will be referred to the immediate supervisor or principal for appropriate action.
3. Any employee or student who harasses, taunts, assaults, or otherwise causes harm or the perception of harm to any other employee or student in relation to that employee's or student's participation or non-participation in the recitation of the Pledge of Allegiance will be referred to the immediate supervisor or principal for appropriate action.

II. Display of Flag in School Buildings

- #### A. The flag of the United States of America will be displayed in every classroom in the school district.

- #### B. The flag will be displayed in the front of the classroom. If it is not possible to display the flag in the front of the classroom, the flag will be displayed in the most respectful alternate location.

- #### C. The flag will be made of cloth and will be displayed in a holder customarily used for flag display.

1. If a cloth flag is not immediately available, one made of paper or other material may be displayed until a cloth flag is procured and installed. The school district will procure and install the flag in a timely manner.

2. If it is not possible to use a customary flag holder, the flag may be displayed in another manner that is respectful and in accordance with flag rules and regulations.

Procedure Revised: 06/14/16

Procedure Revised: 10/19/04

Procedure Adopted: 12/19/01

Legal References:

M.S. 121A.11, Subd 3 (Pledge of Allegiance)

M.S. 121A.11, Subd. 4 (Instruction)

POLICY 652 - INSTRUCTIONAL AND LIBRARY MATERIALS SELECTION, PRODUCTION AND REEVALUATION

I. PURPOSE

The purpose of this policy is to provide direction for selection of ~~textbooks and~~ instructional and library materials.

II. GENERAL STATEMENT

The School Board requires that instructional and library materials be selected/~~produced~~ in support of the district mission (Policy 104 – School District Mission Statement). The School Board recognizes that instructional and library materials serve a vital component of a student’s education. Instructional materials are critical to the school district’s curriculum. Library materials enrich the breadth of the curriculum as a whole and meet the needs and interests of individual students.

The School Board delegates the responsibility for developing and managing a process for selection/~~production~~ of instructional and library materials to the Superintendent and his/her designees.

III. DEFINITION OF INSTRUCTIONAL MATERIALS

In general, instructional materials are defined as those items which are read, listened to, viewed, observed, manipulated, or experienced by students as part of the instructional process. They may be consumable or non-consumable and may vary greatly in the kind of student response they generate.

IV. PURPOSES FOR SELECTION ~~AND PRODUCTION~~ OF INSTRUCTIONAL MATERIALS

In reviewing ~~textbooks and~~ instructional materials during the selection process, the professional staff will select materials which:

- A. support the goals and objectives of the education programs;
- B. consider the needs, age, and maturity of students;
- C. foster recognition, respect or understanding of cultural diversity and varied opinion;
- D. fit within the constraints of the school district budget;
- E. are in the English language unless otherwise necessary to support goals and objectives of an educational program or as appropriate to support and instruct English Learners pursuant to Minn. Stat. §124D.58 to §124D.65;
- F. permit grade level instruction for students to read and study America’s founding documents, including documents that contributed to the foundation or maintenance of America’s representative form of limited government, the Bill of Rights, our free-market economic system, and patriotism as required by Minn. Stat. §120B.235; and
- G. do not censor or restrain instruction in American or Minnesota state history or heritage based on religious references in original source documents, writings, speeches, proclamations, or records as required by Minn. Stat. §120B.235.

V. PURPOSES FOR SELECTION OF LIBRARY MATERIALS

The library materials selection process should result in a library collection that, when considered as a whole, is consistent with the following criteria:

- A. 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;
- B. 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;

- C. Library materials shall not be excluded because of the race, nationality, religion, sex, gender, or political views of the writer;
- D. 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;
- E. Library materials shall meet high standards of quality in one or more of these categories (presented alphabetically):
 - 1. Artistic quality and/or literary style;
 - 2. Authenticity;
 - 3. Critical thinking;
 - 4. Educational significance;
 - 5. Factual content;
 - 6. High interest for intended audience; and
 - 7. Readability.
- F. The selection of library materials shall conform to the constraints of the school district budget.

VI. RESPONSIBILITY OF PRINCIPAL TO ENSURE PROPER USE

The Principal is responsible to ensure that instructional and library materials are used at the building in concordance with curricular goals and, if selected at the site, are developmentally appropriate for the students. This responsibility applies regardless of whether the materials are presented by teachers, parents, students, community members, guest speakers, or other persons. (See also Policy 924 – School Volunteers and Policy 644 – Community Resource Persons.)

VII. REEVALUATION OF INSTRUCTIONAL MATERIALS

- A. District residents, students, or employees have the right to express concern or objection relative to the appropriateness or acceptability of instructional and library materials.
- B. Specific curricular outcomes or assessments developed by a formal building or District process, while not ordinarily considered instructional materials, would, if challenged, be subject to the same reevaluation procedures as core/supplementary instructional materials.
- C. The School Board delegates the responsibility for developing and managing a process for reevaluation of instructional and library materials to the superintendent and his/her designees.

Revised 1/15/19
Adopted 12/2/03 (formerly Policy 6410)

Policy 6410
Revised 5/17/94
Revised 10/15/85
Adopted 9/1/81

Legal References:

Public Law 94-553 – copyright
Minn. Stat. §120A.22, Subd. 9
Minn. Stat. §20B.235
Minn. Stat. §123B.02

Minn. Stat. §124D.58 to 124D.65

Cross References:

Policy 104 – School District Mission Statement

Policy 644 – Community Resource Persons

Policy 924 – School Volunteers

PROCEDURE 652A – INSTRUCTIONAL MATERIALS AND LIBRARY SELECTION ~~AND PRODUCTION~~

I. GENERAL STATEMENT

The purpose of this procedure is to regulate the selection ~~and production~~ of instructional and library materials so that they conform to Policy 652 – Instructional Materials Selection ~~and Production~~.

- A. General criteria for the selection ~~and/or production~~ of any and all instructional and library materials.
 1. Instructional and library materials must be evaluated on the basis of the purposes for selection ~~and production~~ set forth in Policy 652 – Instructional Materials Selection ~~and Production~~, as well as the following criteria:
 - a. Instructional and library materials will have favorable recommendations based on examination by district instructional personnel, or
 - b. Instructional and library materials will have favorable reviews found in standard review sources.
 - c. Instructional and library materials will contain accurate information except in those cases when inaccuracy is needed because the purpose of the material is aimed at teaching critical thinking skills, teaching about propaganda, or developing an awareness of a factual, historical context.
 - d. Instructional and library materials will be of high technical quality, except in those cases when the material is of less technical quality because it is a primary resource material or a facsimile of the same.
 - e. Instructional and library materials will have a cost commensurate with their value and/or level of need.
 - f. Instructional and library materials will be judged on the basis of both strengths and weaknesses and the relative influences those strengths and weakness may have upon the development of knowledge, skills, and attitudes by students.
 2. Instructional and library materials offered as gifts will be considered using the same criteria as purchased materials.
 3. Instructional and library materials will conform to the provisions of current copyright law, Public Law 94-553.
- B. Distinction Between Two Classes of Instructional Materials
 1. Core/supplementary ~~I~~instructional materials
Core/supplementary ~~I~~instructional materials are defined as those instructional materials which are selected to:
 - a. Match a specific course of study and/or specific outcomes.
 - b. Be used as the main instructional materials for that course of study or outcomes.
 2. ~~Library Media collection instructional~~ materials.
~~Library Media collection instructional~~ materials are defined as those materials which:
 - a. Have content which falls within a general curricular topic, and/or
 - b. Offer a fictional or non-fictional source for reference, and
 - c. Are readily available to students and staff ~~through Instructional Media and Technology~~.
- C. Process and criteria for selecting core/supplementary instructional materials.
 1. District-level Selection

- a. District-level core/supplementary instructional materials must be targeted for evaluation and selected as a result of the District's instructional program improvement process which includes recommendations by and approval by the Director of [Curriculum, Instruction, and Educational Standards Learning and Achievement](#).
 - b. Prior to selecting core/supplementary instructional materials, a Materials Review Plan must be implemented in accordance with the District's Program Improvement Plan Process Guide. The Materials Review Plan is to include opportunity for review and input by teachers, Principals, and parents/community through the District Planning Advisory Council (DPAC), the Human Sexuality Advisory Committee (human sexuality and sexually transmitted infections education).
2. Building-level Selection
- Buildings and individual teachers may select supplementary materials for purposes such as motivating students or extending practice as long as those materials are consistent with the District's instructional goals and the District's scope and sequence for the subject area.

~~D. Process and criteria for producing core/supplementary instructional materials~~

~~1. District-level Production~~

- ~~a. Core/supplementary instructional materials may be targeted for production through the District's program improvement process which includes recommendations by various stakeholders and approval by the Director of Curriculum, Instruction, and Educational Standards~~
- ~~b. Core/supplementary instructional materials may be produced if the materials would be:~~
 - ~~1) Potentially more effective than commercially produced instructional materials and/or~~
 - ~~2) More efficient and financially viable than commercially produced materials, and/or~~
 - ~~3) More readily available because no such commercial materials are being produced or because of time constraints, and/or~~
 - ~~4) More accurate than currently available commercial materials, and/or~~
 - ~~5) More representative of the community.~~

~~2. Building-level Production~~

- ~~a. It is appropriate for supplementary materials to be produced at the building or teacher level for purposes such as:~~
 - ~~1) Special projects or units as long as those units are consistent with the District's instructional goals, and for purposes such as~~
 - ~~2) Motivating students or extending practice opportunities as long as those materials are consistent with the District's curriculum for the subject area.~~
- ~~b. If those materials would be:~~
 - ~~1) Potentially more effective than commercially produced materials, and/or~~
 - ~~2) More efficient and financially viable than commercially produced materials, and/or~~
 - ~~3) More readily available because no such commercial materials are being produced or because of time constraints, and/or~~
 - ~~4) More accurate than currently available commercial materials, and/or~~
 - ~~5) More representative of the community.~~

~~DE. Process and criteria for selecting [library-media-collection-instructional](#) materials.~~

1. Except in unusual circumstances, instructional materials must be recommended in standard review sources or previewed before purchase. Prior to purchase, Licensed Media Specialists will:
 - a. assess the completeness of the existing collection relative to curriculum topics and instructional needs;
 - b. assess curriculum and instructional needs as expressed by licensed instructional staff in the building;
 - c. consult with the Coordinator of Digital Learning and Instructional Media before selecting materials when they need advice relative to the purpose and/or appropriateness of the materials.

Revised 1/15/19

Adopted 12/2/03 (formerly Procedure 6410)

Procedure 6410

Revised 5/17/94

Revised 10/15/85

Adopted 9/1/81

Legal References

Public Law 94-553: copyright

Cross References

Policy 104-School District Mission Statement

Policy 644-Community Resource Persons

Policy 648-Instructional Programs

Policy 652-Instructional Materials Selection, Production and Reevaluation

Policy 924-School Volunteers

Procedure 652B – INSTRUCTIONAL MATERIALS REEVALUATION

I. GENERAL STATEMENT

A. The purpose of this procedure is to provide a fair and reasonable system for reevaluating instructional and library materials which have been challenged by District residents, students or employees.

B. Distinction Between Two Classes of Instructional Materials

1. Core/supplementary instructional materials

Core/supplementary instructional materials are defined as those instructional materials which are selected to:

- a) Match a specific course of study and/or specific outcomes, and
- b) Be used as the main instructional materials for that course of study or outcomes.

2. ~~Media collection instructional~~Library materials

~~Media collection instructional~~Library materials are defined as those materials which:

- a) Have content which falls within a general curricular topic, and/or
- b) Offer a fictional or non-fictional source for reference, and
- c) Are readily available to students and staff ~~through Media and Technology Services~~.

II. CRITERIA FOR WITHDRAWAL OF INSTRUCTIONAL MATERIALS

Instructional and library materials which have been selected, acquired, and used may be withdrawn from use because the materials are no longer consistent with Policy 652 – Instructional Materials Selection ~~and Production~~, have become outdated or inaccurate, have become worn or dangerous, have been replaced by a more recent selection, or have been challenged, reevaluated, and deemed inappropriate according to the reconsideration procedures.

III. PROCESS AND CRITERIA FOR REEVALUATION OF INSTRUCTIONAL AND LIBRARY MATERIALS WHICH HAVE COME UNDER CHALLENGE

The following process for reevaluation of instructional and library materials is provided for use by District residents, students, and employees.

A. Informal Procedures

1. Initiating the challenge

- a) When challenges are presented, the staff member receiving the challenge should first determine if Policy 641 - Alternative Instruction applies rather than Policy 654 - Instructional Materials Reevaluation.
- b) Challenges are initiated at the building level.

2. Initiating the challenge at the building level.

- a) The person initiating the challenge should communicate with the teacher and/or Licensed Media Specialist, whichever is appropriate.
- b) Each challenge will be dealt with in a courteous and confidential manner.
- c) An informal resolution is defined as a condition in which:
 - 1) Both parties agree to accept the materials as currently used, or
 - 2) The person initiating the challenge does not accept the current use but chooses not to pursue the matter further, or
 - 3) Application of Policy 641 - Alternative Instruction-provides an appropriate remedy.
- d) If the challenge is not resolved informally with the teacher or Licensed Media Specialist, the person initiating the challenge will contact the building Principal. If the challenge still cannot be resolved informally, then the building Principal will invite the person who is initiating the challenge to complete and submit a Request for Reevaluation Form, (see Appendix A).
- e) Upon submission of the form to the Principal, the challenge will be defined as formal and the process for formal challenges will be initiated ~~at the appropriate level~~. The Principal will notify the Coordinator of Digital Learning and Instructional Media.

B. Formal Procedures

1. Reevaluation committees

~~a)~~ a) ~~Building-level~~

- ~~1) Each building Principal will identify a building-level reevaluation committee and a chairperson of that committee. That committee will address any formal building-level challenges received that year.~~
- ~~2) Committee composition~~
 - ~~a) One parent/guardian appointed by the Principal to serve as chairperson.~~
 - ~~b) One Licensed Media Specialist, not currently assigned to the building, appointed by the Principal with the assistance of the Coordinator of Digital Learning and Instructional Media.~~
 - ~~c) Two teachers from the building appointed by the Principal.~~
 - ~~d) Two parents/guardians appointed by the PTO/PTA/Site Council, or other formal parent committee.~~

~~b)~~ a) ~~District-level~~

- 1) The Coordinator of Digital Learning and Instructional Media will identify a District-level reevaluation committee and a chairperson of that committee. That committee will address any appeals of formal building-level challenges as well as any formal District-level core/supplementary challenges received that year.
- 2) Committee composition
 - a) One building Principal or Assistant Principal appointed by the representative principals' organization.
 - b) One elementary teacher appointed by the representative teachers' organization.
 - c) One secondary teacher appointed by the representative teachers' organization.
 - d) One Coordinator appointed by the Director of Curriculum and Educational Standards.
 - e) One licensed Media Specialist appointed by the Coordinator of Digital Learning and Instructional Media.
 - f) One student from each high school appointed by the student council or other organization as designated by the Principal.
 - g) Three parents/guardians will be identified from among building PTO/PTA/Site Council members or members of other formal parent-district committees. The Coordinator of Digital Learning and Instructional Media will appoint one of the three parent/guardian members to serve as chairperson of the district-level reevaluation committee.

~~c)~~ b) ~~Temporary Replacement of Reevaluation Committee Member~~

- 1) If a member of a reevaluation committee:
 - ~~a) Is the initiator of the challenge being addressed, or~~
 - ~~b) Was a presenter/participant in the deliberations of the building-level committee that previously addressed the challenge, or~~
 - b) ~~Is the Principal of the building where the challenge was previously heard by a building-level committee~~ is initiated from, or
 - c) ~~Is the licensed teacher or Licensed Media Specialist, whichever applies, involved in the challenge in the building where the challenge was previously heard by a building-level committee~~, or
 - d) ~~Is the Coordinator for the area addressed in a challenge to District-level core/supplementary instructional materials, or~~
 - e) ~~Is unable to schedule attendance at the reevaluation both the initial and final meetings, then that member must be replaced on the reevaluation committee while the committee is addressing that challenge.~~

Replacement Procedure

If a committee member must be replaced in accordance with c.1, above, then the replacement procedure must be as neutral as possible, involving random drawing if applicable.

~~d)~~ c) ~~Meeting structure~~

- 1) Reevaluation committees may set procedural rules such as a time limit on

presentations, order of presentations, and number of presentations.

- 2) In the event a reevaluation committee receives multiple challenges, either simultaneously or overlapping, the Committee will determine the order in which they will be addressed. While the Committee needs to address the challenges in as timely a manner as possible, the committee may extend the two-week and four-week timeline requirements listed under the formal procedures of this Procedure 652 – Instructional Materials Reevaluation. Neither the District nor individual buildings will establish additional committees.

e)d) Level of authority

- ~~1) Building-level reevaluation committees make decisions in response to challenges to media collection instructional materials used in their buildings or to supplementary instructional materials identified by and used in their buildings. The decisions of a building-level committee may be communicated to but are not binding on other buildings in the District.~~
- ~~2)1) The District-level reevaluation committee:
Makes decisions in response to appeals of building-level reevaluation committee decisions. These decisions are binding upon the building from which the challenge was generated and may be communicated to, but are not binding upon, other buildings in the District.~~
 - ~~a) Makes decisions in response to challenges to District-level supplementary instructional materials.~~
 - ~~a)b) The decisions of the reevaluation committee are binding on all other buildings in the district.~~
- ~~3)2) Reevaluation committee decisions are rendered by a majority vote. A tie vote maintains the status quo. Voting is by closed ballot.~~

f) ~~Identification of type and level of instructional materials.~~

- ~~1) Upon receipt of the Request for Reevaluation Form (Appendix A), the Principal determines if the challenged materials are:
 - ~~a) Core/supplementary or media collection instructional materials.~~
 - ~~b) Building-level or District-level instructional materials.~~~~
- ~~2) All challenges to media collection materials are first addressed by the building-level reevaluation committee.~~
- ~~3) All challenges to building-level supplementary instructional materials are first addressed by the building-level reevaluation committee.~~
- ~~4) All challenges to district-level core/supplementary instructional materials are first addressed by the district-level reevaluation committee.~~

g) ~~Building-level formal procedures~~

- ~~1) If the challenged materials have been identified as media collection or building-level core/supplementary instructional materials, within a period of one week (7-days) of the formal challenge, the Principal will distribute copies of the submitted Request for Reevaluation Form to:
 - ~~a) The chairperson of the building-level reevaluation committee,~~
 - ~~b) The licensed teacher or Licensed Media Specialist,~~
 - ~~c) The Coordinator of Digital Learning and Instructional Media, and~~
 - ~~d) The Assistant Superintendents of Leadership, Teaching, and Learning.~~~~
- ~~2) Use of challenged core/supplementary instructional materials must continue during the formal reevaluation process.~~
- ~~3) Availability of media collection instructional materials must continue during the formal reevaluation process.~~
- ~~4) The chairperson of the building-level reevaluation committee:
 - ~~a) Will notify committee members of the challenge and set up a meeting within two weeks of the formal challenge.~~
 - ~~b) Will invite the teacher(s) and/or Licensed Media Specialist involved to the meeting.~~
 - ~~c) Will invite the person initiating the challenge to the meeting.~~
 - ~~d) Will provide an opportunity for the Committee to hear the views of the~~~~

- person bringing the challenge as well as the rationales for use from the Principal and licensed teacher(s) and/or Licensed Media Specialist.
- e) May ask that reviews of the materials be provided by the licensed staff.
 - f) May arrange for testimony from experts/ authorities on the subject.
- 5) ~~The building level reevaluation committee:~~
- a) ~~Will meet to review the challenge and receive the challenged materials for examination. Will review the purposes set in Policy 652 – Instructional Materials Selection and Production, and its accompanying procedures, identify the objection, and hear testimony, if necessary.~~
 - b) ~~Will examine the materials in their entirety.~~
 - c) ~~May check general acceptance of the materials.~~
 - d) ~~Will judge relative values and faults of the challenged materials and form opinions.~~
 - e) ~~Will make a decision within four weeks in an open meeting (a minimum of four members, including the chairperson, must be present for a final decision).~~
 - f) ~~Will prepare a report of the Committee's decision immediately upon a decision.~~
 - g) ~~Will send a copy of the report to the person initiating the challenge, including instructions as to how to proceed if the initiator is dissatisfied with the building level committee's decision.~~
 - h) ~~Will send a copy of the report to the Assistant Superintendents of Leadership, Teaching, and Learning, and the Coordinator.~~
 - i) ~~Will maintain a file including the Request for Reevaluation, any written documentation presented or examined, and the report of the Committee's decision.~~
 - j) ~~Will forward the file maintained to the chairperson of the district level committee if the decision of the building level committee is appealed.~~
- 6) ~~Instructional materials challenged at the building level for particular reasons may not be challenged on the basis of those same reasons for a period of one year in that building.~~
- 7) ~~If either the challenger or the person or committee that originally selected or locally produced the material is not satisfied with the decision of the building level committee, referral may be made to the district level reevaluation committee by submitting the Request for Reevaluation Form (Appendix A) to the Coordinator. The District level formal procedures for reevaluation are then applied.~~

~~h)e)~~ h)e) District-level formal procedures

- 1) ~~If the challenged materials have been identified as district level core/supplementary instructional materials or if the decision of a building level reevaluation committee is being appealed, t~~The Coordinator, will distribute copies of the submitted Request for Reevaluation Form to:
 - a) The chairperson of the ~~district level~~ reevaluation committee,
 - b) The Assistant Superintendents of Leadership, Teaching, and Learning.
 - c) The Director of Learning and Achievement Curriculum and Educational Standards, and
 - d) The Coordinator of Digital Learning and Instructional Media.
- 2) Use of challenged core/supplementary instructional materials must continue during the formal reevaluation process.
- 3) Availability of library media collection instructional materials must continue during the formal reevaluation process.
- 4) The chairperson of the District level reevaluation committee:
 - a) Will notify committee members of the challenge and set up a meeting within two weeks of the formal challenge.
 - b) Will invite the building Principal, the teacher(s) and/or Licensed Media Specialist to the meeting.
 - c) Will invite the person initiating the challenge to the meeting.
 - d) Will, in the case of district-level core/supplementary instructional materials, invite the appropriate Curriculum Specialist or Program Coordinator to the meeting.

- e) Will provide an opportunity for the committee to hear the views of the person bringing the challenge, as well as the rationale for use from the building Principal, licensed teacher(s) and/or Library Media Specialist, and/or Curriculum Specialist/ Program Coordinator. Each person will get ten (10) minutes to speak to the committee.
- f) May ask that reviews of the materials be provided by the licensed staff.
- g) May arrange for testimony from experts/ authorities on the subject.
- 5) The ~~District-level~~reevaluation committee:
 - a) Will meet to receive and review the challenged materials for examination.
 - b) Will review the purposes set in Policy 652 – Instructional Materials Selection ~~and Production~~, and its accompanying procedures, identify the objection, and hear testimony, if necessary.
 - ~~e) Will review the file of the building level reevaluation committee, if the challenge is an appeal of a building level committee decision.~~
 - ~~d)c)~~ Will examine the materials in their entirety.
 - ~~e)d)~~ May check general acceptance of the materials. Will judge relative values and faults of the challenged materials and form opinions.
 - ~~f)e)~~ Will make a decision within four weeks in an open meeting (a minimum of seven members, including the chairperson, must be present for a final decision).
 - ~~g)f)~~ Will prepare a report of the committee's decision immediately upon a decision.
 - ~~h)g)~~ Will send a copy of the report to the person initiating the challenge, including instructions as to how to appeal if the initiator is dissatisfied with the district-level committee's decision.
 - ~~i) Will send a copy of the report to the principal of the building from which a decision has been appealed to the District committee.~~
 - ~~j)h)~~ Will send a copy of the report to the Assistant Superintendents of Leadership, Teaching, and Learning, the Coordinator, and the Director of ~~Curriculum and Educational Standards, Learning and Achievement,~~
 - ~~k)i)~~ Will maintain a file including the building-level file where appropriate, the Request for Reevaluation, any written documentation presented or examined, and the report of the committee's decision.
 - ~~l)j)~~ Will forward the file maintained to the Superintendent if the decision of the ~~district level~~ committee is appealed.
- 6) Instructional and library materials ~~challenged at the district level for particular reasons~~ may not be challenged on the basis of those same reasons for a period of one year.
- 7) If either the challenger or the person or committee that originally selected ~~or locally produced~~ the material is not satisfied with the decision of the ~~district level~~ committee, the decision rendered may be appealed to the School Board by submitting the Request for Reevaluation Form (Appendix A) to the Superintendent within five business days of the district-level decision.
 - a) If the challenge is properly appealed, the School Board will consider the merits of the appeal within twenty days after receipt.
 - b) At the option of the School Board, a committee or representative(s) of the Board may be designated by the Board to hear the appeal at this level and report its findings and recommendations in writing to the full Board.
 - c) If a committee is formed, then it must review the documentation collected as part of the district-level deliberation. It may hear oral statements by the challenging party and a representative of the district-level reevaluation committee.

Revised 1/15/19
 Adopted 12/2/03 (Formerly Procedure 6410 Appendix B)

Procedure 6410 Appendix B
 Revised 5/17/94
 Revised 10/15/85
 Adopted 9/1/81

Cross References
 Policy 652-Instructional Materials Selection
 and Production
 Policy 641-Alternative Instruction

Legal References

Public Law 94-553: copyright