

Agenda Independent School District 279 School Board	Regular Business Meeting Educational Service Center - N10 11200 93rd Ave N Maple Grove, MN 55369 Tuesday, December 10, 2024 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 in 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](https://district279.org/info-center/school-board) (Watch Livestream). An archived recording will also be available on the district website.

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5. Adjournment

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*download School Board meeting notices and regular meeting agendas and materials from the district website [www.district279.org](http://www.district279.org), under "Info Center > School Board."*

## POLICY 404 – FAMILY AND MEDICAL LEAVE FOR SCHOOL DISTRICT EMPLOYEES

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

Regular and predictable attendance is presumed to be an essential function of all employment within the school district. At the same time, employee health needs, family circumstances and other contingencies can in qualifying circumstances afford employees a right to take temporary leave of their employment. The following provisions regarding family, medical leave and/or disability leave are adopted by the school district, consistent with the requirements of the FMLA, the ADA and the requirements of Minnesota parenting leave laws.

### III. ELIGIBILITY

In order to be eligible for FMLA leave, the employee must meet all of the following requirements:

- 1) have worked for the school district for at least 12 months;
- 2) have worked for the school district for at least 1,250 hours during the 12-month period immediately preceding the requested leave; and
- 3) currently work at a location where there are at least fifty (50) employees within seventy-five (75) miles.

### IV. QUALIFYING REASONS FOR FMLA LEAVE

Whether the employee's leave request qualifies under the FMLA will be determined in accordance with FMLA regulations 29 CFR Pt. 825. Employees required to submit medical certifications substantiating their need for medical FMLA-qualifying leave (i.e. medical certifications documenting the existence of a "serious health condition" of the employee or immediate family member) or documentation in support of other qualifying leaves of absence.

### ~~III.V.~~ CIRCUMSTANCES PERMITTING FMLA LEAVE ENTITLEMENT – TIME OFF

- A. 12-Week Leave: Eligible employees can take up to 12 weeks of unpaid/paid, job-protected leave in a 12-month period for the following reasons:
  - 1) birth of the employee's child and to care for such child where such leave is taken within 12 months of the child's birth;
  - 2) placement of an adopted or foster child with the employee where such leave is taken within 12 months of the child's adoption;
  - 3) to care for the employee's spouse, son, daughter, or parent with a serious health condition;
  - 4) the employee's serious health condition makes the employee unable to perform the functions of the employee's job; and/or;
  - 5) any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
- B. 26-Week Leave for Care of Military Servicemember: In addition to the basic FMLA leave entitlement stated above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember is entitled to take up 26 during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember

shall only be available during a single 12-month period ~~weeks of leave~~ and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

Spouses who both work for the school district are entitled to a combined total of 26 weeks leave in a 12-month period to care for a covered injured or ill servicemember if each spouse is a parent, spouse, child or next of kin of the servicemember.

~~C. Employees Eligible for FMLA Leave: In order to be eligible for FMLA leave, the employee must have worked for the School District for at least 12 months and must have worked at least 1,250 hours during the 12-month period immediately preceding the requested leave.~~

~~E.C. Qualifying Reasons for Leave: Whether the employee's leave request qualifies under the FMLA will be determined in accordance with FMLA regulations (29 CFR Pt. 825). Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave (i.e. medical certifications documenting the existence of a "serious health condition or documentation of active duty orders for family member).~~

#### IV-VI. EMPLOYEE NOTICE REQUIREMENTS FOR FMLA LEAVE

- A. Method of Notification: Employees who take FMLA leave must notify the School District of their need for FMLA leave. To trigger FMLA leave protections, employees must inform a Human Resources ~~Generalist~~ Specialist of the need for an FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically or by explaining the reasons for leave so as to allow the School District to determine that the leave is FMLA-qualifying. Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy.
- B. Timing of Notice: Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the School District notice of the need for leave as soon as practicable under the facts and circumstances of the case. Employees who fail to give 30 days notice for foreseeable leave without a reasonable excuse for the delay, or who otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

#### V-VII. FMLA PROTECTIONS

While employees are on FMLA leave, the School District will continue health insurance coverage as if the employee was not on leave. When an employee returns from FMLA leave, they must be restored to the same job that they held when the leave began or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. Unless otherwise provided for in a collective bargaining agreement or employment contract, the employee is not guaranteed the actual job they held prior to the leave. The School District will not interfere with an employee's FMLA rights or retaliate against an employee for using or trying to use FMLA leave, for opposing any practice made unlawful by the FMLA, or for being involved in any proceeding under or related to the FMLA.

#### VI-VIII. MISCELLANEOUS PROVISIONS RELATED TO FMLA LEAVE

The following provisions apply to employees eligible to receive FMLA leave:

- A. Certification of Qualifying Leave: Eligible employees are required to provide certification when they request leave for: the employee's own serious health condition; the serious health condition of the employee's parent, spouse, son or daughter, and for military family leave.
- B. Leave Allotted within 12 Month Period: An employee may take FMLA leave in periods of weeks, days or for a minimum of one (1) hour. The School District calculates an employee's "leave year" based upon a rolling 12-month period measured backward from the date an employee uses FMLA leave (i.e. each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the immediately preceding 12 months). The district complies with FMLA requirements for instructional employees.
- C. Maintenance of Health Benefit: An employee is entitled to the continuation of group health insurance coverage/benefits during FMLA leave on the same terms as if he or she had continued to work. If the employee's FMLA leave is paid, the employee's contribution to their health benefit will be paid by payroll deduction. If the employee's FMLA leave is unpaid, the employee will be required to pay their share of premium payments at the same time as it would be made if by payroll deduction or by another method voluntarily agreed to by the District and the employee.
- If an employee's premium payment is more than 30 days late, the District may drop the employee's health insurance coverage. In order to drop insurance coverage for an employee whose premium payment is late, the District will provide written notice to the employee that the payment has not been received, and that his or her insurance coverage will end at a specified date at least 15 days after the date of the written notice unless payment is received by that date. This notice must be mailed to the employee at least 15 days before coverage is to cease.
- D. Light Duty Alternative: The District may offer an employee a light duty position in lieu of leave necessitated by incapacity; however, the employee may decline the light duty position and opt for FMLA-protected leave until able to return to the same or equivalent job he or she left or until his or her FMLA leave entitlement is exhausted. When an employee voluntarily accepts a light duty assignment rather than taking FMLA leave, the time the employee works in the light duty assignment will not count as FMLA leave. Additionally, the employee has the right to be restored to the same or an equivalent position that the employee held at the time the employee's FMLA leave commenced, provided that the employee is able to perform the essential functions of the position. However, an employee's right to restoration while in a light duty assignment expires at the end of the 12-month leave year that the employer uses to calculate FMLA leave. If an employee has used their full 12 workweeks of FMLA leave in a 12-month period and then voluntarily accepts a light duty position because the employee is unable to resume working in his or her original position, the employee no longer has a right under the FMLA to restoration.
- E. Reasonable Efforts to Schedule Intermittent or Reduced Schedule Leave in a Non-disruptive Manner: Employees are expected to make reasonable efforts to schedule leave resulting from planned medical treatment and other leave that is foreseeable so as not to unduly disrupt the operations of the school district.
- F. Spouses: Spouses who both work for the School District are entitled to a combined total of 12 weeks leave in a 12-month period for the birth, adoption, or foster care placement of their child, or to care for a parent with a serious health condition. Both parents employees are entitled to take 12 workweeks of leave to care for a child with a serious health condition.
- G. Employee Use of Accrued Paid Leave: Unless otherwise agreed to by the District, when taking FMLA leave employees will be required to use accrued sick leave available to them under the terms of their collective bargaining agreement or employment contract. In circumstances where an employee is on leave receiving workers compensation, use of accrued paid leave will not be required by the District.

- H. Retroactive Designation of FMLA Leave: If the School District does not initially designate leave taken as FMLA leave, the District may retroactively designate the absence as FMLA leave so long as the School District provides appropriate notice to the employee that it will be designating past leave taken as FMLA qualifying and the retroactive designation does not cause harm or injury to the employee.
- I. Fitness-for-Duty Certification: To the extent consistent with applicable employment/collective bargaining agreements, the District may require employees who take leave for their own serious health condition to obtain and present certification from the employee's health care provider that the employee is able to resume work prior to restoring an employee. The fitness-for-duty certification can be requested only for the health condition that caused the employee's need for FMLA leave. The employee is responsible for the cost of the fitness-for-duty certification. The District may delay restoration of the employee until they submit a required fitness-for-duty certification.
- J. Calculation of Leave Used: For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect (i.e. the week is counted as a week of FMLA leave). However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday. If an employee's leave is taken during a period where there is an intervening school break spanning one or more weeks (e.g. winter, spring or summer breaks) and the employee is generally not expected to report for work during the school break, the days of the extended school break do not count against the employee's FMLA leave entitlement.
- K. FMLA Leave Misuse or Fraud: Any employee who fraudulently applies for or obtains FMLA leave will not be protected by the FMLA's job restoration or maintenance of health benefits provisions and may be subject to disciplinary action, up to and including discharge from their employment.

IX. ~~VIII~~. MINNESOTA PARENTAL LEAVE PROTECTIONS

An employee who is not eligible for parenting leave under Paragraphs ~~VIII~~ A (1) & (2) may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female-pregnant employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave will be determined by the employee but must not exceed 12 weeks unless agreed by the School District. ~~The employee may qualify if he or she has worked for the School District for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave.~~

This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, ~~or~~ medical, or sick leave, or accrued vacation provided by the School District so that the total leave does not exceed 12 weeks, unless agreed by the School District, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the School District reasonable notice of the date the leave will commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

I.X. ADA-DISABILITY LEAVE

Employees who are not eligible for leave under Paragraphs ~~III & V~~ and VII or employees who have exhausted their leave under these paragraphs may be entitled to leave under the Americans with Disabilities Act ("ADA") or the Minnesota Human Rights Act ("MDHR") in certain circumstances. Whether an employee is afforded leave as a reasonable accommodation under the ADA or the MDHR will be determined through an interactive process between the employee and the School District. Prolonged leaves of an indefinite duration are in most circumstances not considered to be a reasonable accommodation.

Policy Adopted/Revised

Revised:

Adopted: January 28, 2020

***Legal References***

Minn. Stat. §§ 181.940-181.9434 (Parenting Leave)

Minn. Stat. 363A.01-363A.50 (Minnesota Human Rights Act)

29 U.S.C. § 2601 et seq. (Family and Medical Leave Act)

29 C.F.R. Part 825 (FMLA Regulations)

Americans with Disabilities Amendment Act (ADAAA) (42 USC 12101 et. Seq. and 28 CFR Pt. 35)

## **POLICY 420 - STUDENTS AND EMPLOYEES WITH COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS**

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### **I. PURPOSE**

The purpose of this policy is to help ensure that students and employees of the District are able to attend district schools with limited risk of infection from serious communicable or infectious diseases.

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

- A. Students with communicable diseases should be permitted to attend school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school district
- B. Employees with communicable diseases will not be excluded from attending to their customary employment so long as they are physically, mentally, and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district.

### **III. PROGRAMS TO PREVENT AND REDUCE RISKS OF SEXUALLY TRANSMITTED INFECTIONS AND DISEASES**

The school district will implement programs to help prevent and reduce the risk of sexually transmitted diseases in accordance with Minnesota law.

### **IV. PRECAUTIONS**

The school district will develop uniform practices for infection control at school and for educating employees about district uniform practices. Uniform practices will be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Education and the Minnesota Department of Health.

### **V. INFORMATION SHARING**

Information regarding an employee or student's communicable disease or infection will be shared within the school district only with those whose jobs require such information and in the case with students with those persons who have a legitimate educational interest. Such information may also be shared only to address a health and safety concern or to comply with employees' right to know requirements. Employee and student health data will be shared outside the school district only in accordance with state and federal law and with the school district's policies on employee and student records and data. If a medical condition of student or staff threatens public health, it must be reported to the Commissioner of Health consistent with state law.

### **VI. SCREENING FOR EMPLOYEES/STUDENTS SUBJECTED TO POTENTIAL EXPOSURE**

The school district will develop procedures regarding the administration of Hepatitis B vaccinations in keeping with current state and federal law. The procedures shall provide that the Hepatitis B vaccination series be offered to all who have occupational exposure at no cost to the employee or student.

Reviewed: xxxxx

Revised: 04/17/2018 (Policy 547 repealed 04/17/2018 – combined with Policy 420 04/17/2018)

Policy 420 Adopted: 12/07/1999 (formerly Policy 4151.9/4251.9)

Revised: 03/07/1989

Adopted: 05/20/1986

**Legal References**

Minn. Stat. § 121A.23 (Programs to Prevent and Reduce The Risks of Sexually Transmitted Infections and Diseases )

Minn. Stat. § 144.441-442 (Tuberculosis)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. R. 4605.7070 (COMMUNICABLE DISEASES)

20 U.S.C. § 1400 et seq. (Individuals with Disabilities Education Improvement Act of 2004)

29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)

42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

29 C.F.R. 1910.1030 (Occupational Exposure to Bloodborne Pathogens)

Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), cert. denied, 493 U.S. 892, 110 S.Ct. 239 (1989).

## PROCEDURE 420 – STUDENTS AND EMPLOYEES WITH COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS

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### I. DEFINITION OF COMMUNICABLE DISEASE OR INFECTIOUS CONDITION

Communicable disease or infectious condition includes all conditions identified by the Minnesota Department of Health (MDH) that are subject to mandatory reporting to MDH pursuant to Minnesota Rules (Minnesota Rule 4605.7040).

### II. CONDITIONS CREATING SIGNIFICANT RISK OF TRANSMISSION

Determinations of whether a contagious individual's school/work attendance creates a significant risk of the transmission of the illness to others will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how the disease/infection is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties), and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the student's individualized education program (IEP) or Section 504 team. Some students and employees, because of special circumstances, positions and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. (Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions, or who have severe disorders which result in spontaneous external bleeding.) Such circumstances need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, the district/school nurse and the parent(s)/guardian(s) of the student.

### III. PRECAUTIONS TO LIMIT RISK OF EXPOSURE

A. Procedures for Exposure to Blood and Bodily Fluids. The school district will comply with OSHA Standards (29 CFR 1910.1030) which addresses routine procedures for handling blood spills and other potentially infected body fluids and for education of employees about these procedures. The school district will develop a Bloodborne Pathogens Exposure Control plan that informs employees about applicable workplace requirements/standards, the bloodborne pathogens and infectious diseases they may be exposed to, and measures to take to protect themselves. The objectives of the control plan will be to reduce or eliminate occupational exposure to hepatitis B virus (HBV), hepatitis C virus (HCV), immunodeficiency virus (HIV), and other bloodborne pathogens, physical agents and infectious agents that are present in the workplace. The District will provide information, training and personal protective equipment to those who are routinely exposed.

A-B. The school district will comply with Minn. Stat. 121A.15 by requiring all enrolling or continuously enrolled students to maintain compliance with scheduled immunizations or documentation of exemption as required.

B-C. Precautions Related to Students. Students who create a significant risk of transmission based upon the factors set forth in Paragraph II (including Students who have not been immunized as anticipated by Minnesota Statute 121A.15) may be required to temporarily receive alternative educational services in a manner that limits exposure to others. The school district or school nurse, in consultation with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. Procedures for the inclusion of students with communicable diseases within the school environment

will include any applicable educational team planning processes (e.g. IEP team or 504 team), including a review of the educational implications for the student and others with whom the student comes into contact. Students who are prevented from attending school as a result of a communicable disease or infection and who are placed in their home or other facility for care and treatment by their medical doctor for 15 consecutive school days or more should be provided educational services consistent with state law.

C.D. Guidelines for Release to Home of Students Based Upon Illness. School nursing staff will utilize their training and discretion to determine whether a student is suffering from an illness, disease or infection that warrants removal from school. Consistent with state and county health guidelines, the following symptoms should be considered when determining whether to remove/send a student home due to illness:

1. General Illness. Unable to participate in routine activities or needs more care than can be provided by school staff.
- 1.2. Fever. An elevation of body temperature above normal and accompanied by behavior changes, stiff neck, difficulty breathing, rash, sore throat, and/or other signs or symptoms of illness; or is unable to participate in routine activities. Temperature should be measured before giving medications to reduce fever. Axillary (armpit) temperature: 100 F or higher Oral temperature: 101 F or higher Rectal temperature: 102 F or higher.
- 2.3. Signs/Symptoms of Possible Severe Illness. Child is unusually tired, has uncontrolled coughing, unexplained irritability, persistent crying, difficulty breathing, wheezing, or other unusual signs for the child. Exclude until a health care provider has done an evaluation to rule out severe illness.
4. Diarrhea. Diarrhea is defined as an increased number of stools compared with a child's normal pattern, along with decreased stool form and/or stools that are watery, bloody, or contain mucus. Exclude until 24 hours after diarrhea stops or follow specific disease exclusion if the pathogen is known; or until a medical exam indicates that it is not due to a communicable disease.
- 3.5. Vomiting. Child has vomited two or more times in the previous 24 hours. Exclude for 24 hours after last episode of vomiting, unless it is determined to be caused by a non-communicable condition and the child is not in danger of dehydration.
- 4.6. Mouth Sores with Drooling. Exclude until a medical exam indicates the child may return or until sores have healed.
- 5.7. Rash with Fever or Behavior Change. Exclude until a medical exam indicates these symptoms are not those of a communicable disease that requires exclusion.
- 6.8. Eye Drainage. ~~Purulent (pus) drainage with fever and/or eye pain. No exclusion, unless the child has a fever or is not healthy enough to participate in routine activities. Antibiotics or a note from a health care provider are not required. Exclude until examined by a health care provider and approved for readmission.~~
- 7.9. Unusual Color of Skin, Eyes, Stool, or Urine. Exclude until a medical exam indicates the child does not have hepatitis A. Symptoms of hepatitis A include yellow eyes or skin (jaundice), gray or white stools, or dark (tea or cola-colored) urine.

~~D-E.~~ Parent Determinations. Parents, guardians and students will be advised in parent or student handbooks about those symptoms (listed in Section III C) which should result in a decision to keep the student at home due to suspected illness.

F. Precautions Related to Employees. The District and an employee with a communicable disease/infection that poses a significant risk of transmission will undertake mutual efforts to develop and employ reasonable measures (e.g. protective garb, including N-95 masks, reassignment of duties/position to minimize risk or leave of absence) that adequately reduce the risk of transmission of the communicable disease/infection. The employee's physician (with the consent of the employee) or other qualified medical care provider may be consulted to address concerns over risk of transmission.

#### IV. Information Sharing

- A. Employee health information will be shared within the district only with those whose jobs require such information and with those who have legitimate need to know, and will be shared only to the extent required to perform the functions of the job.
- B. Student health information will be shared within the District only with those employees whose duties require access to such information and with those who have legitimate, educational interest. Information may also be released as required to address a health and safety emergency or maybe released to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted).
- C. Student and Employee health data will be shared outside the district only in accordance with state and federal law and with district policies on employee's records.

#### V. Reporting

If a medical condition of an employee threatens public health, it must be reported to the Department of Health as required by the Minnesota Communicable Disease Reporting Rule (Chapter 4605).

#### VI. Vaccination and Screening

The District will develop procedures regarding the administration of Hepatitis B vaccinations in keeping with current state and federal law.

#### Revision:

Procedure 420 revised: 04/17/2018  
(Procedure 547 repealed 04/17/2018 – combined with Procedure 420: 04/17/2018)  
Procedure 420 revised: 12/7/99  
Procedure 420 revised: 3/7/89  
Procedure 420 dated: 5/20/86

#### ***Legal References***

OSHA Standard 29 CFR 1910.1030  
42 U.S.C. § 1771 et seq. (Child Nutrition Act of 1966)  
Minn. Stat. § 13.32 Subd. 3(d)&(f)  
Minnesota Communicable Disease Reporting Rule (Chapter 4605)  
Hennepin County General Exclusion Guidelines for Ill Children/Staff (2015\_

## **POLICY 427 – WORKLOAD LIMITS FOR CERTAIN SPECIAL EDUCATION TEACHERS**

- I. Purpose  
The purpose of this policy is to establish general parameters for determining the workload limits of special education staff who provide services to children with disabilities receiving direct special education services 60 percent or less of the instructional day.

### **II. DEFINITIONS**

#### A. Special Education Staff; Special Education Teacher

“Special education staff” and “special education teacher” both mean a teacher employed by the school district who is licensed under the rules of the Minnesota Professional Educator Licensing and Standards Board to instruct children with specific disabling conditions.

#### B. Direct Services

“Direct services” means special education services provided by a special education teacher or a related service professional when the services are related to instruction, including cooperative teaching.

#### C. Indirect Services

“Indirect services” means special education services provided by a special education teacher or a related service professional which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with the pupil to monitor and observe.

#### D. Workload

“Workload” means a special education teacher’s total number of minutes required for all due process responsibilities, including direct and indirect services, evaluation and reevaluation time, management of individualized education programs (IEPs), travel time, parental contact, and other services required in the IEPs.

### III. General Statement of Policy

- A. Workload limits for special education teachers shall be determined by the appropriate special education administrator, in consultation with the building principal and the superintendent or designee.
- B. In determining workload limits for special education staff, the school district shall take into consideration the following factors: student contact minutes, evaluation and reevaluation time, indirect services, management of Individual Education Programs (IEP), travel time, and other services required in the IEPs of eligible students.

### III.IV. Collective Bargaining Agreement Unaffected

This policy shall not be construed as a reopening of negotiations between the school district and the special education teachers’ exclusive representative, nor shall it be construed to alter or limit in any way the managerial rights or other authority of the school district set forth in the Public Employers Labor Relations Act or in the collective bargaining agreement between the school district and the special education teachers’ exclusive representative.

### ***Policy Adopted/Revised:***

#### **Revised:**

| **Adopted:** 9/15/15

***Legal References:***

Minn. Stat. § 179A.07, Subd. 1 (Inherent Managerial Policy)

Minn. Rule 3525.0210, Subps. 14, 27, 44, and 49 (Definitions of "Direct Services," "Indirect Services," "Teacher," and "Workload")

Minn. Rule 3525.2340, Subp. 4.B. (Case Loads for School-Age Educational Service Alternatives)

***Cross References:***

MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)

MSBA/MASA Model Policy 608 (Instructional Services – Special Education)

## **PROCEDURE 427 WORKLOAD LIMITS FOR CERTAIN SPECIAL EDUCATION TEACHERS**

### DEFINITIONS for Policy 427:

- I. ~~“Special education staff” and “special education teacher” both mean a teacher employed by the school district who is licensed under the rules of the Minnesota Board of Teaching to instruct children with specific disabling conditions.~~
- II. ~~“Direct services” means special education services provided by a special education teacher when the services are related to instruction, including cooperative teaching.~~
- III. ~~“IEP” means individualized Education Program.~~
- IV. ~~“Indirect services” means special education services provided by a special education teacher which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with children with disabilities to monitor and observe.~~
- V. ~~“Workload” means a special education teacher’s total number of minutes required for all due process responsibilities, including direct and indirect services, evaluation and reevaluation time, management of individualized education programs (IEPs), travel time, parental contact, and other services required in the IEPs.~~

**~~Procedure Adopted:~~** ~~9/15/15~~

### **~~Legal References:~~**

~~Minn. Stat. § 179A.07, Subd. 1 (Inherent Managerial Policy)  
Minn. Rule 3525.0210, Subps. 14, 27, 44, and 49 (Definitions of “Direct Services,” “Indirect Services,” “Teacher,” and “Workload”)  
Minn. Rule 3525.2340, Subp. 4.B. (Case Loads for School Age Educational Service Alternatives)~~

### **~~Cross-References:~~**

~~MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)  
MSBA/MASA Model Policy 608 (Instructional Services — Special Education)~~

## **POLICY 442 – TRAVEL**

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### I. PURPOSE

The purpose of this policy is to identify school district business expenses that involve initial payment by an employee and qualify for reimbursement from the school district, and to specify the manner by which the employee seeks reimbursement.

### II. GENERAL STATEMENT OF POLICY

All school district business expenses to be reimbursed must be approved by the budget manager. Such expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips and other reasonable and necessary school district business-related expenses.

~~III.~~ Whenever possible, a District-owned vehicle will be used for in-district and out-of-district travel when that travel is a function of District employment.

~~III.~~ When a personal car must be used for such travel, the licensed employee will be reimbursed at the specified Internal Revenue Service rate.

~~III.~~ All in-district and out-of-district transportation using District-owned vehicles, taxi or ride share service, or personal car with reimbursement must be approved in advance.

~~IV.~~ In-district and out-of-district transportation of students for curricular or co-curricular activities must be in either District-owned vehicles or contracted-for vehicles. Emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer people without meeting the requirements for a Type III vehicle.

~~V.~~ The School Board will publish transportation standards in accordance with state requirements.

### Revised xxx

Adopted: 12/7/99 (formerly Policy 4133.1 & 4233)

Revised: 9/19/95

Policy Adopted: 2/19/85

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## **PROCEDURE 442 TRAVEL**

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### I. Staff Travel

In order to receive reimbursement, staff members using their personal vehicle must submit a Mileage and Expense Form (BA12) to their supervisor. Detailed instructions will be found on the form. The form should be turned in by the last day of each month. All Mileage Expense Forms for a fiscal year must be submitted no later than June 30 of that fiscal year in order to receive reimbursement.

### II. Student Travel

Requests for student travel will be made on the Request for Transportation Form (T-5). The form will be completed and returned to the Principal and/or Supervisor in charge of the activity. Requests will be made at least two weeks in advance. In the event of a cancellation, the Transportation Department will be notified as soon as possible.

Revised: 12/7/99 (formerly Procedure 4133.1 & 4233)

Revised: 9/19/95

Adopted: 2/19/85

## **POLICY 705 - INVESTMENTS**

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### I. Scope and Purpose

This policy applies to investments of the school district with regard to investing the financial assets of all funds except for Other Post-Employment Benefits (OPEB) Trust investments covered by policy 706. Investments will be made based on statutory constraints and subject to available designated staffing capabilities.

### II. Objectives-General Statement of Policy

The funds of the school district shall be deposited or invested in accordance with this policy, Minnesota Statutes chapter 118A and any other applicable law or written administrative procedures. The primary criteria for the investment of the funds of the school district, in priority order, are as follows:

~~Credit Risk—Funds of the District will be invested in accordance with this Policy 705—Investments, M.S. 118A, and written administrative procedures. Investments will be made based on statutory constraints and subject to available designated staffing capabilities. The primary investment criteria in priority sequence are safety, liquidity, yield, and trust.~~

- ~~A. Custodial Credit Risk.—Investments of the school district shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio. To attain this objective only appropriate investment instruments will be purchased and insurance or collateral may be required to ensure the return of principal.~~
- ~~B. Liquidity.—The school district's investment portfolio shall be structured in such manner as to provide sufficient liquidity to pay obligations as they come due.~~
- ~~C. Interest Rate Risk.—The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the risk constraints, the cash flow characteristics of the portfolio and legal restrictions for return on investments.~~
- ~~D. Maintaining the Public's Trust.—All officials and employees that are a part of the investment process shall act professionally and responsibly as custodians of the public trust and shall refrain from personal business activity that could conflict with the investment program, or which could reasonably cause others to question the process and integrity of the investment program. The investment officer shall avoid any transaction that could impair public confidence in the school district. The Investment Officer shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the District, the Board or the School Treasurer.~~

### II. Scope

~~This Policy 705—Investments applies to activities of the District, including GASB 45 investments, with regard to investing the financial assets of all funds.~~

#### Revised:

Revised: 2-/23/-10

Adopted: 1/19/99 (formerly Policy 3900)

Revised: 4/20/93

Legal References  
M.S. 118A

## PROCEDURE 705 - INVESTMENTS

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### I. Delegation of Authority

The Director of Business Services, or designee, is designated as Investment Officer of the ~~school d~~District and is responsible for investment decisions and activities under the direction of the ~~Assistant Superintendent of Administration~~Executive Director of Finance and Operations. The Director of Business Services, or designee, will operate the investment program consistent with this Policy 705 - Investments. Investments will be managed based on the following order: custodial credit risk, liquidity, interest rate risk and maintaining the public's trust. In order to optimize total return through vigilant portfolio management, resources will be allocated to the cash management program.

#### A. Ethics and Conflicts of Interest

All officials and employees that are a part of the investment process shall act professionally and responsibly as custodians of the public trust and shall refrain from personal business activity that could conflict with the investment program, or which could reasonably cause others to question the process and integrity of the investment program. The investment officer shall avoid any transaction that could impair public confidence in the school district.~~Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Further, no officer involved in the investment process shall have any interest in, or receive any compensation from, any investments in which the District is authorized to invest, or the sellers, sponsors, or managers of those investments.~~

#### B. Indemnification

~~Investment officers and employees of the District acting in accordance with this Investment Procedure and such written operational policies as may be established by the District, and who otherwise exercise due diligence and act with reasonable prudence, shall be relieved of personal liability for an individual security's credit risk or market changes. 118.02-sub.2~~

#### C. Amendment

~~This procedure shall be reviewed from time to time by the Board Treasurer with regards to the procedure's effectiveness in meeting the District's needs for safety, liquidity, rate of return, diversification, and general performance. Any substantive changes will be reported to the Independent School District 279 School Board.~~

### II. General Standard of ConductPrudent Investment

The standard of conduct regarding school district investments to be applied by the investment officer shall be the "prudent person standard." Under this standard, the investment officer shall exercise that degree of judgment and care, under the circumstances then prevailing, that persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, investing not for speculation and considering the probable safety of their capital as well as the probable investment return to be derived from their assets. The prudent person standard shall be applied in the context of managing the overall investment portfolio of the school district. The investment officer, acting in accordance with this policy and exercising due diligence, judgment, and care commensurate with the risk, shall not be held personally responsible for a specific security's performance or for market price changes. Deviations from expectations shall be reported in a timely manner and appropriate actions shall be taken to control adverse developments. The standard of prudence to be applied by the Investment Officer in the context of managing the overall portfolio. This standard requires the exercise of reasonable care, skill, and caution, and is to be applied to investments not in isolation but in the context of the portfolio and as a part of an overall investment

~~strategy, which should incorporate risk and return objectives reasonably suited to the District.~~

III. Monitoring and Adjusting ~~the Portfolio~~Investments

The ~~Investment Officer~~ will routinely monitor existing investments and the contents of the school district's investment portfolio, the available markets, and the relative value of competing investment instruments. ~~the contents of the portfolio, the available markets, and the relative values of competing instruments.~~

IV. Internal Controls

The Business Services Department will establish a system of internal controls, which will be reviewed annually by the independent auditor. The controls will be designed to prevent loss of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions.

V. Credit Risk – Short-term Portfolio Diversification

The ~~school d~~District will diversify use of investments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities.

- A. Diversification by Instrument with Maximum Percent of Portfolio. For example, a maximum of 100% of the portfolio could be invested in U.S. Treasury Obligations; a maximum of 25% of the portfolio could be invested in Repurchase Agreements.

U.S. Treasury Obligations (Bills, notes and bonds) – ~~100%~~100%  
U.S. Government Agency Securities and Instrumentalities of Government Sponsored Corporations – 75%  
Repurchase Agreements (Repos) – 25%  
Certificates of Deposit (CDs) Commercial Banks (Government Collateral not to exceed F.D.I.C. insurance level) – 100%  
Certificates of Deposit (CDs) Savings and Loan Associates (not to exceed F.S.L.I.C. insurance level) – 75%  
Local Government Investment Pool – 75%  
Money Market Funds--75%

Concentration Risk – The ~~school d~~District does not further restrict ~~the District's~~ investments in securities of a ~~single~~single issuer.

- B. ~~Diversification by Financial Institution:—Diversification by financial institution will Effort to be made of ensure that~~ no more than 66% of the total portfolio can be placed with any one depository.

- C. ~~Maturity Scheduling:—Investment maturities for operating funds will be scheduled to coincide with projected cash flow needs, taking into account large routine or scheduled expenditures,taking into account large routine expenditures (such as payroll and bond payments) as well as anticipated receipt dates of anticipated revenue~~anticiated revenue (e.g. property tax and state aid payments).

VI. Credit Risk – Long-Term Portfolio Diversification (i.e., maturities of at least six months)

Instruments and diversification for the long-term portfolio will be the same as for the short-term portfolio. Maturity scheduling will be timed according to anticipated need. For example, investment of building construction funds will be timed to meet contractor payments.

~~Maturity scheduling will be timed according to anticipated need. For example, investment of building construction funds will be timed to meet contractor payments.~~

## VII. Competitive Selection of Investment Instruments

Before the school dDistrict invests any surplus funds in a specific investment instrument, a competitive quote process will be conducted. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, quotes will be requested for instruments which meet the maturity requirement. If no specific maturity is required, a market trend analysis, which includes a yield curve, will normally be used as a method to determine which maturities would be most advantageous.

Quotes will be requested from financial institutions for various options with regard to term and instrument. The school dDistrict will accept the quote which provides safety, liquidity, yield, and trust within the maturity required and within the parameters of Policy 705 - Investments. Generally, all quotes will be on the basis of a 360-day base yield. Records will be kept of the quotations or bids received, the quotations or bids accepted, and a brief explanation of the decision that was made regarding the investment. If the school district contracts with an investment advisor, bids are not required in those circumstances specified in the contract with the advisor.

## VIII. Qualified Institutions and Broker-Dealers

The school dDistrict will maintain a listing of financial institutions which are approved for investment purposes. Prior to completing an initial transaction with a broker, the school district shall provide to the broker a written statement of investment restrictions which shall include a provision that all future investments are to be made in accordance with Minnesota statutes governing the investment of public funds. The broker must annually acknowledge receipt of the statement of investment restrictions and agree to handle the school district's account in accordance with these restrictions. The school district may not enter into a transaction with a broker until the broker has provided this annual written agreement to the school district. The notification form to be used shall be that prepared by the State Auditor. A copy of this investment policy, including any amendments thereto, shall be provided to each such broker. Banks and securities brokers-dealers will annually provide their most recent audited Consolidated Report of Condition to the District.

~~Securities brokers-dealers will be required to be classified as reporting-dealers affiliated with the New York Federal Reserve Bank, as primary-dealers or be a Minnesota regional dealer with combined capital and surplus of at least one hundred million dollars (\$100 million), exclusive of subordinated debt.~~

### ~~A. Banks and Savings and Loans—Certificates of Deposit~~

~~Any financial institution selected to be eligible for the District's competitive certificate of deposit purchase program must:~~

- ~~1. provide wire transfer and certificate of deposit safekeeping services;~~
- ~~2. be a member of FDIC system and be willing and capable of posting required collateral or private insurance for funds in excess of FDIC insurable limits and in amounts required by the District; and~~
- ~~3. meet at all times the financial criteria as established in the investment procedures of the District.~~

## IX. Safekeeping and Collateralization

~~A. A. It is the policy of the District to require that time deposits in excess of FDIC insurable limits be secured by collateral at 110% or private insurance to protect public deposits in a single financial institution if it were to default. All investment securities purchased by the school district shall be held in third-party safekeeping by an~~

institution designated as custodial agent. The custodial agent may be any Federal Reserve Bank, any bank authorized under the laws of the United States or any state to exercise corporate trust powers, a primary reporting dealer in United States Government securities to the Federal Reserve Bank of New York, or a securities broker-dealer defined in Minnesota Statutes section 118A.06. The institution or dealer shall issue a safekeeping receipt to the school district listing the specific instrument, the name of the issuer, the name in which the security is held, the rate, the maturity, serial numbers and other distinguishing marks, and other pertinent information.

B. Deposit-type securities shall be collateralized as required by Minnesota Statutes section 118A.03 for any amount exceeding FDIC, SAIF, BIF, FCUA, or other federal deposit coverage.

C. Repurchase agreements shall be secured by the physical delivery or transfer against payment of the collateral securities to a third party or custodial agent for safekeeping. The school district may accept a safekeeping receipt instead of requiring physical delivery or third-party safekeeping of collateral on overnight repurchase agreements of less than \$1,000,000.

~~B. Eligible collateral instruments are any investment instruments acceptable under 118A.03. The collateral must be placed in safekeeping at or before the time the District buys the investments so that it is evident that the purchase of the investment is predicated on the securing of collateral.~~

~~C. Safekeeping of Collateral~~

~~1. Third party safekeeping is required for all collateral. To accomplish this, the securities must be held at one or more of the following locations;~~

~~a. at a Federal Reserve Bank or its branch office;~~

~~b. at another custodial facility in a trust of safekeeping department through book entry at the Federal Reserve;~~

~~c. by an escrow agent of the pledging institution; or~~

~~d. by the trust department of the issuing bank.~~

~~2. Safekeeping will be documented by an approved written agreement between the Independent School District 279 School Board and the governing board of the bank that complies with FDIC regulations. This may be in the form of a safekeeping agreement.~~

~~3. Substitutions or exchange of securities held in safekeeping for the District can be approved by the Assistant Superintendent of Administration, and only if the market value of the replacement securities is equal to or greater than the market value of the securities being replaced.~~

X. Safekeeping of Securities

~~A. Third party safekeeping is required for all securities. To accomplish this, the securities must be held only at the following locations:~~

~~1. at a Federal Reserve Bank or its branch office;~~

~~2. at another custodial facility, which shall be a trust or safekeeping department through book entry at the Federal Reserve, unless physical securities are involved, or~~

~~3. in an uninsured account with an eligible broker.~~

~~B. Safekeeping will be documented by an approved written agreement between the Independent School District 279 School Board and the holder of the securities. This may be in the form of a safekeeping agreement, trust agreement, escrow agreement or custody agreement.~~

~~C. Original certificates of deposits will be held by the originating bank. A safekeeping receipt will be acceptable documentation.~~

XI. Reporting Requirements

A. The investment officer will generate daily and monthly reports for management purposes. In addition, the Independent School District 279 School Board will be provided with a monthly report which will include data on investment instruments being held, as well as any narrative necessary for clarification.

A.B. If necessary, the investment officer shall establish systems and procedures to comply with applicable federal laws and regulations governing the investment of bond proceeds and funds in a debt service account for a bond issue. The record keeping system shall be reviewed annually by the independent auditor or by another party contracted or designated to review investments for arbitrage rebate or penalty calculation purposes.

Revised:

Revised: 2/23/10

Revised: 1/19/99 (formerly Procedure 3900)

Revised: 4/20/93

Adopted: 3/7/89

Legal references

~~M.S. 118.A~~

Minn. Stat. § 118A (Deposit and investment of local public funds)

## **POLICY 706 INVESTMENTS – OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST**

### I. Scope and Purpose

This policy applies to investments of the school district with regard to investing the financial assets of the Other Post-Employment Benefits (OPEB) Trust. Investments will be made based on statutory constraints and subject to available designated staffing capabilities.

### I-II. Purpose and General Statement of Policy

Funds of the Other Post-Employment Benefits (OPEB) Trust will be deposited or invested in accordance with this policy, Minnesota Statutes chapter 118A and 356A and any other applicable laws governing public pension fiduciary responsibility, and responsibility and written administrative procedures. Investments will be made based on statutory constraints and subject to available designated staffing capabilities. The primary criteria for the investment of the Trust of the school district, in priority order, are as follows: The primary investment criteria in priority sequence are safety, liquidity, yield, and trust.

- A. Custodial Credit Risk.— Investments of the school district shall will be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio. Funds of the OPEB Trust will be invested in accordance with this policy, laws governing public pension fiduciary responsibility, and written administrative procedures. Investments will be made based on federal, state and other legal requirements relating to OPEB investments. OPEB Trust assets should be invested within the framework of a long-term long-term investment horizon. Risks taken will be consistent with longer-term asset classes with a goal of maintaining purchasing power relative to inflation over economic cycles and providing asset value and cash flow to fund OPEB liabilities. To attain this objective only appropriate investment instruments will be purchased, and insurance or collateral may be required to ensure the return of principal.
- B. Liquidity.— The school dDistrict’s OPEB investment portfolio will be structured in such manner as to provide sufficient liquidity to pay obligations as they come due.
- C. Interest Rate Risk.— The investment portfolio will be designed to attain a market-average rate of return throughout budgetary and economic cycles and maintain purchasing power relative to inflation, taking into account the risk constraints, the cash flow characteristics of the portfolio and legal restrictions for return on investments.
- D. Maintaining the Public’s Trust.— All officials and employees that are a part of the investment process shall act professionally and responsibly as custodians of the public trust and shall refrain from personal business activity that could conflict with the investment program, or which could reasonably cause others to question the process and integrity of the investment program. The investment officer shall avoid any transaction that could impair public confidence in the school district. The Investment Officer will seek to act responsibly as custodians of the public trust and will avoid any transaction that might impair public confidence in the school district, the School Board or the School Treasurer.

### II. Scope

This policy applies to activities of OPEB Trust.

Revised:

Adopted: 1/19/16

***Legal References***

~~M.S. Ch. 118A~~

~~M.S. Ch. 356A~~

Minn. Stat. § 118A (Deposit and investment of local public funds)

Minn. Stat. § 356A (Public pension fiduciary responsibility)

## **PROCEDURE 706 INVESTMENTS – OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST**

### I. Delegation of Authority

The Director of Business Services, or designee, is designated as Investment Officer of the school district and is responsible for investment decisions and activities under the direction of the Executive Director of Finance and Operations. The Director of Business Services, or designee, will operate the investment program consistent with this policy. Investments will be managed based on the following order: custodial credit risk, liquidity, interest rate risk and maintaining the public's trust. In order to optimize total return through vigilant portfolio management, resources will be allocated to the OPEB-Portfolio management program.

#### A. Ethics and Conflicts of Interest

All officials and employees that are a part of the investment process shall act professionally and responsibly as custodians of the public trust and shall refrain from personal business activity that could conflict with the investment program, or which could reasonably cause others to question the process and integrity of the investment program. The investment officer shall avoid any transaction that could impair public confidence in the school district. Officers and employees involved in the investment process will refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Further, no officer involved in the investment process will have any interest in, or receive any compensation from, any investments in which the school district is authorized to invest, or the sellers, sponsors, or managers of those investments.

#### ~~B. Indemnification~~

~~Investment officers and employees of the school district acting in accordance with this Investment Procedure and such written operational policies as may be established by the school district, and who otherwise exercise due diligence and act with reasonable prudence, will be relieved of personal liability for an individual security's credit risk or market changes.~~

#### ~~C. Amendment~~

~~This procedure will be reviewed from time to time by the School Board Treasurer with regards to the procedure's effectiveness in meeting the OPEB Trust's needs for safety, liquidity, rate of return, diversification, and general performance. Any substantive changes will be reported to the Independent School District 279 School Board.~~

### II. Standard of Conduct~~General Standard Prudent Investment~~

The standard of conduct regarding school district investments to be applied by the investment officer shall be the "prudent person standard." Under this standard, the investment officer shall exercise that degree of judgment and care, under the circumstances then prevailing, that persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, investing not for speculation and considering the probable safety of their capital as well as the probable investment return to be derived from their assets. The prudent person standard shall be applied in the context of managing the overall investment portfolio of the school district. The investment officer, acting in accordance with this policy and exercising due diligence, judgment, and care commensurate with the risk, shall not be held personally responsible for a specific security's performance or for market price changes. Deviations from expectations shall be reported in a timely manner and appropriate actions

~~shall be taken to control adverse developments. The standard of prudence is to be applied by the Investment Officer in the context of managing the overall portfolio. This standard requires the exercise of reasonable care, skill, and caution, and is to be applied to investments not in isolation but in the context of the portfolio and as a part of an overall investment strategy, which should incorporate risk and return objectives reasonably suited to the OPEB Trust.~~

### III. Monitoring and Adjusting ~~the Portfolio~~Investments

The ~~i~~Investment ~~O~~fficer will routinely monitor existing investments and the contents of the school district's investment portfolio, the available markets, and the relative value of competing investment instruments.~~the contents of the portfolio, the available markets, and the relative values of competing instruments.~~

### IV. Internal Controls

The Business Services Department will establish a system of internal controls, which will be reviewed annually by the independent auditor. The controls will be designed to prevent loss of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions.

### V. Credit Risk and permitted investments:

The school district will diversify use of investments to avoid incurring unreasonable risks inherent in over- investing in specific instruments, individual financial institutions or maturities. Allowable investments will be defined by applicable Minnesota laws, including laws applicable to public pensions, along with any further constraints defined below.

#### A. State and Local Securities

B. Any security which is a general obligation of any state or local government with taxing powers must be rated "A" or better by a national bond rating service;

C. Any security which is a revenue obligation of any state or local government must be rated "AA" or better by a national rating service.

D. Investment Grade Corporate Bonds: Must be rated in the highest 4 rating categories by at least two nationally recognized rating agencies.

E. International Securities are not allowed.

F. Mortgage-backed securities are allowed excluding high-risk mortgage-backed securities as defined in Minnesota laws governing deposit and investment of local public funds.

G. Concentration Risk – Diversification is a key component of reducing risk in a portfolio. Investments are limited to a maximum of 5% exposure to any corporate issuer excluding equity fund exposure.

- H. Maturity Scheduling: Investment maturities for OPEB funds will be scheduled to meet at least the ~~near-term~~near-term projected cash flow needs, taking into account actuarial projections and board requirements. The school district's OPEB Trust will diversify use of investments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual institutions or maturities.
- I. Competitive Selection of Investment Instruments Investments are to be made in accordance with best execution practices. Getting competitive quotes is encouraged, but depending on the type of security is not always available. The goal is to seek the best overall result for the school district's OPEB Trust under the current circumstance in the market.
- J. When utilizing an investment advisor for the management of OPEB Trust funds, the investment advisor will maintain a listing of financial institutions which are approved as trading counter parties.

#### VI. Safekeeping Securities

- A. Third party safekeeping is required for all securities. To accomplish this, the securities must be held only at the following locations:
  - 1. at a Federal Reserve Bank or its branch office;
  - 2. at another custodial facility, which will be a trust or safekeeping department through book- entry at the Federal Reserve, unless physical securities are involved, or
  - 3. in an uninsured account with an eligible broker.
- B. Safekeeping will be documented by an approved written agreement between the ~~Independent School District 279 School Board~~school district and the holder of the securities. This may be in the form of a safekeeping agreement, trust agreement, escrow agreement, or custody agreement.

#### VII. Reporting Requirements

The investment officer will generate monthly reports for management purposes. In addition, the Independent School District 279 School Board will be provided with a monthly report which will include data on investment instruments being held, as well as any narrative necessary for clarification. The investment officer will provide monthly reports for management purposes.

Revised:  
Adopted: 1/19/16

#### Legal References

~~M.S. Ch. 118A~~

~~M.S. Ch. 356A~~

Minn. Stat. § 118A (Deposit and investment of local public funds)

Minn. Stat. § 356A (Public pension fiduciary responsibility)

## **POLICY 722 – PUBLIC DATA AND DATA SUBJECT REQUESTS**

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### **I. PURPOSE**

The school district recognizes its responsibility relative to the collection, maintenance, and dissemination of public data as provided in state statutes. The purpose of this policy is to ensure that data requests by the public or by a data subject are responded in appropriate and consistent matter.

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

The school district will comply with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13 (MGDPA), and Minnesota Rules parts 1205.0100-1205.2000 in responding to requests for public data.

### **III. REQUESTS FOR PUBLIC DATA**

- A. All requests for public data must be made in writing directed to the responsible authority.
  - 1. A request for public data must include the following information:
    - a. Date the request is made;
    - b. A clear description of the data requested;
    - c. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
    - d. Method to contact the requestor (such as phone number, address, or email address).
  - 2. Generally, the school district may not require persons to identify themselves, state a reason for, or justify a request to gain access to public government data. A person may be asked to provide certain identifying or clarifying information for the sole purpose of facilitating access to the data.
  - 3. The identity of the requestor is public, if provided. In keeping with the MGDPA, the telephone number, address and email address of the requestor will not be provided.
  - 4. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- B. The responsible authority will respond to a public data request within a reasonable time period.
  - 1. The responsible authority will notify the requestor in writing as follows:
    - a. The requested data does not exist; and/or
    - b. The requested data exists but either all or a portion of the data is not accessible to the requestor. If the responsible authority determines that the requested data is classified so that access to the requestor must be denied, the responsible authority will inform the requestor of the determination in writing, as soon thereafter as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.
    - c. The requested data exists and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent electronically or by mail.
  - 2. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time. Overly burdensome

or harassing data requests may be challenged by the school district to the extent permitted by law.

3. If requested, the school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request. The school district is not required to provide an interpretation of the data in responding to the data request.
4. The school district is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.
5. The school district is not required to respond to questions that are not about a particular data request or requests for data in general.

#### **IV. REQUEST FOR SUMMARY DATA**

- A. Summary data is statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable. Unless classified pursuant to Minnesota Statutes section 13.06, another statute, or federal law, summary data is public.
- B. A request for the preparation of summary data shall be made in writing directed to the responsible authority.
  1. A request for the preparation of summary data must include the following information:
    - a. Date the request is made;
    - b. A clear description of the data requested;
    - c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
    - d. Method to contact requestor (phone number, address, or email address).
- C. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of the following:
  1. The estimated costs of preparing the summary data, if any; and
  2. The summary data requested; or
  3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
  4. A written statement describing the reasons why the responsible authority has determined that the requestor's access would compromise the private or confidential data.
- D. The school district may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school district begins to prepare the summary data.

## V. REQUESTS FOR DATA BY AN INDIVIDUAL SUBJECT OF THE DATA

- A. Upon request to the responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data.
- B. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.
- C. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.
- D. The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.
- E. All requests for individual subject data must be made in writing directed to the responsible authority.
- F. A request for individual subject data must include the following information:
  - 1. Statement that one is making a request as a data subject for data about the individual or about a student for whom the individual is the parent or guardian;
  - 2. Date the request is made;
  - 3. A clear description of the data requested;
  - 4. Proof that the individual is the data subject or the data subject's parent or guardian;
  - 5. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
  - 6. Method to contact the requestor (such as phone number, address, or email address).
- G. The identity of the requestor of private data is private.
- H. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- I. Policy 515 (Protection and Privacy of Pupil Records) addresses requests of students or their parents for educational records and data.
- J. An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

K. The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by Minnesota Statutes chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

L. Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a government entity without regard to the requirements of Minnesota Statutes section 138.17.

~~I~~.M. After completing, correcting, or destroying successfully challenged data, the school district may retain a copy of the commissioner of administration's order issued under Minnesota Statutes chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

## **VI. COSTS**

### **A. Public Data**

1. The school district will charge for copies provided as follows:

- a. 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.
- b. More than 100 pages or copies on other materials are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.

(1) The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any).

(2) Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will be charged.

2. All charges must be paid for [in cash or by check] in advance of receiving the copies.

### **B. Summary Data**

1. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.
2. The school district may assess costs associated with the preparation of summary data as follows:
  - a. The cost of materials, including paper, the cost of the labor required to prepare the copies, any schedule of standard copying charges established by the school district, any special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;

- b. The school district may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

C. Data Belonging to an Individual Subject

1. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.

The responsible authority shall not charge the data subject any fee in those instances where the data subject only desires to view private data.

The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies. Based on the factors set forth in Minnesota Rule 1205.0300, subpart 4, the school district determines that a reasonable fee would be the charges set forth in section VIII.A of this policy that apply to requests for data by the public.

2. The school district may not charge a fee to search for or to retrieve educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority.

**VII. Annual Review and Posting**

- A. The responsible authority shall prepare a written data access policy and a written policy for the rights of data subjects (including specific procedures the school district uses for access by the data subject to public or private data on individuals). The responsible authority shall update the policies no later than August 1 of each year, and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data.
- B. Copies of the policies shall be easily available to the public by distributing free copies to the public or by posting the policies in a conspicuous place within the school district that is easily accessible to the public or by posting them on the school district's website.

**Data Practices Contacts**

**Responsible Authority:**

Superintendent  
Education Services Center  
11200 93<sup>rd</sup> Ave N  
Maple Grove, MN 55369  
7633-391-7000

**Data Practices Compliance Official:**

Executive Director of Community Relations or Designee  
Education Services Center  
11200 93<sup>rd</sup> Ave N  
Maple Grove, MN 55369  
7633-391-7000

**Legal References:**

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.01 (Government Data)  
Minn. Stat. § 13.02 (Definitions)  

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Minn. Stat. § 13.025 (Government Entity Obligation)

Minn. Stat. § 13.03 (Access to Government Data)  
Minn. Stat. § 13.04 (Rights of Subjects to Data)  
Minn. Stat. § 13.05 (Duties of Responsible Authority)  
Minn. Stat. § 13.32 (Educational Data)  
Minn. Rules Part 1205.0300 (Access to Public Data)  
Minn. Rules Part 1205.0400 (Access to Private Data)

Adopted 01/24/2023

## POLICY 730 – FUND BALANCE

### I. Scope and Purpose

The purpose of this policy is to create fund balance classifications to allow for more useful fund balance reporting and for compliance with the reporting guidelines specified in Statement No. 54 of the Governmental Accounting Standards Board (GASB). ~~establish the terms and maintenance of the various funds of the school district.~~

### II. General Statement of Policy

The policy of this school district is to comply with GASB Statement No. 54. To the extent a specific conflict occurs between this policy and the provisions of GASB Statement No. 54, the GASB Statement shall prevail.~~The policy of the school district is to classify its fund balances based on the nature of the particular net resources reported in the separate funds of the district.~~

Nonspendable fund balance will be identified first followed by restricted fund balance, assigned fund balance, and lastly unassigned fund balance as per the guidelines in Governmental Accounting Standards Board (GASB) Statement No. 54.

### III. Definitions

A. Nonspendable fund balance amounts are comprised of funds that cannot be spent because they are either not in spendable form~~Fund Balance, such as prepaid items, inventory, and other long-term assets.~~

~~Amounts that cannot be spent because they are not in spendable form, such as prepaid items and inventory.~~

B. Restricted fFund bBalance consists of amounts related to externally imposed constraints established by creditors, grantors, contributors; or constraints imposed by state statutory provisions.

~~Amounts subject to externally enforceable legal restrictions as mandated by the State of Minnesota.~~

C. Assigned fFund bBalances consists of internally imposed constraints. These constraints consist of amounts intended to be used by the district for specific purposes but do not meet the criteria to be classified as restricted. In governmental funds, assigned amounts represent intended uses established by the governing body itself.

1. For all funds other than the general fund, the assigned fund balance represents any remaining positive balancesbalance not already classified as nonspendable or restricted.

2. Assigned fund balances cannot result in a residual deficit.

D. Unassigned fFund bBalances amounts are the residual amounts in the general fund not reported in any other classification. Unassigned amounts in the general fund are technically available for expenditures for any purpose. For all other governmental funds the amount of a residual deficit would be classified as unassigned.

~~1. For the general fund, amounts are the residual amounts in the general fund not reported in any other classification.~~

~~2. Unassigned amounts in the general fund are available for expenditures for any purpose.~~

~~3.1. For all other governmental funds the amount of a residual deficit would be classified as unassigned.~~

### IV. Classification of Fund Balances

The school district shall classify its fund balances in its various funds in one or more of the following four classifications:~~nonspendable; nonspendable~~, restricted, assigned, and unassigned.

### V. Minimum Fund Balance

To insure the financial stability of the District, to provide a sound basis to justify continuation of the strong financial rating, and to provide a reserve enabling the District to deal with unforeseen budget expenditures, the Board will endeavor to maintain an unassigned fund balance that will not fall below 5% of the District's general fund operating expenditure

budget, excluding operating capital account expendituresprograms.

VI. Order of Resource Use

The school board hereby establishes the following order for resource use: ~~Nonspendable~~; Nonspendable funds shall be spent first followed by restricted funds, assigned funds, and then unassigned funds.

Revised:

Revised: 6/7/11

Adopted: 3/15/05

## PROCEDURE 730 – FUND BALANCE

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- I. When the general fund ~~unassigned unappropriated~~ balance is projected to decrease below 5% of the adopted general fund expenditure budget, the ~~school d~~district will initiate one or more of the following measures to ensure that the year-end general fund ~~unassigned unappropriated~~ balance for the budget year in question does not fall below 5%.
  - A. Reduce expenditures through implementation of cost containment measures.
  - B. Seek opportunities to increase revenue, including considering appropriate fee increases and options to increase enrollment.
  - C. If permitted by state law, request additional revenue from voters through an increase in the operating referendum or other financial options.
  - D. A combination of the above options.
- II. When the ~~unassigned~~ fund balance in the general fund budget approaches 5%, the ~~school d~~district will implement other budget control measures, which do not adversely affect delivery of instructional programs.
- III. The fund balance policy will not apply to the administration of the Food ~~and Nutrition Services Operating~~ fund and the Community ~~Service Education Services fund~~ which are guided by UFARS (Uniform Financial Accounting Reporting System).
- IV. Regular updating and reporting of the long-range budget projection by administration is an important component to management of fund balance. Budget updates may help identify resources available for program enhancement or will determine if cost containment efforts are required.

Revised:

Revised: 6/7/11

~~Dated~~Adopted: 3/15/05

## **POLICY 731 – POST-ISSUANCE DEBT COMPLIANCE POLICY**

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### I. PURPOSE

The school district will ensure that each of its qualifying financial obligations will be in compliance with all applicable state and federal regulations.

### II. GENERAL STATEMENT OF POLICY

The school district will monitor debt obligations to ensure compliance with the Internal Revenue Code and all other regulations governing such obligations. When issuing obligations, the school district where applicable, will comply with continuing disclosure standards set forth in any continuing disclosure agreements.

### III. POST-DEBT COMPLIANCE PROCEDURES

- A. The Superintendent or his or her designee will establish and update on regular and as needed bases, Post-Debt Compliance Procedures to monitor the uses, filings, investments of proceeds and other requirements for the school district's bonds, notes, loans, lease purchase contracts, lines of credit, commercial paper or any other form of debt subject to this policy.
- B. The Superintendent or his or her designee will assemble and retain all relevant documentation, records and activities required to ensure post-issuance debt compliance for each qualifying obligation.
- C. The requirements for documentation, records, and activities for each qualifying obligation in school district procedures will address, at a minimum:
  1. General post-issuance compliance;
  2. General recordkeeping;
  3. Expenditure and Asset Documentation to be Assembled and Retained;
  4. Proper and timely use of obligation proceeds and obligation-financed property;
  5. Arbitrage yield restriction and rebate;
  6. Timely filings and other general requirements;
  7. Additional undertakings or activities that support these requirements;
  8. Maintenance of proper records related to the obligations and the investment of proceeds of obligations;
  9. Continuing Disclosure Obligations;
  10. Compliance with Future Requirements;
  11. Other requirements that may be imposed in future laws or rules.
- D. School district employees, officials, representatives and contractors should not give any one investor certain information that is not readily available to all market participants by disseminating information to the marketplace, at large.
- E. In general, this policy and related procedures are not applicable to taxable governmental obligations unless there is a reasonable possibility that the school district may refund their taxable governmental obligation, in whole or in part, with the proceeds of a tax-exempt governmental obligation. If this refunding possibility exists, then the Superintendent or their designee shall treat the taxable governmental obligation as if such issue were an issue of tax-exempt governmental obligations and comply with the requirements of this policy.
- F. In a case where compliance activities are reasonably within the control of a private party (i.e., a 501(c)(3) organization or conduit borrower), the Superintendent or their designee may determine that all or some portion of compliance responsibilities described in this

policy will be assigned to the relevant party. In the case of conduit bonds, the conduit borrower will be assigned all compliance responsibilities other than those required to be undertaken by the school district under federal law. In a case where the Superintendent or their designee is concerned about the compliance ability of a private party, they may require that a trustee or other independent third party be retained to assist with record keeping for the obligation and/or that the trustee or such third party be responsible for all or some portion of the compliance responsibilities.

~~IV. PRIVATE ACTIVITY BONDS~~ Private Activity Bonds

- A. The school district may issue tax-exempt obligations that are private activity bonds in either of the following two situations:
  - 1. The bonds finance a facility that is owned by the school district but used by one or more qualified 501(c)(3) organizations, or
  - 2. The bonds are so-called "conduit bonds" under which the proceeds are loaned to a qualified 501(c)(3) organization or another private entity that finances activities eligible for tax-exempt financing under federal law.
- B. Any private activity bonds will remain in compliance with the requirements of this policy and the school district's Post-Debt Compliance Procedures.

~~V. IMPLEMENTATION OF POLICY~~ Implementation of Policy

In accordance with school district requirements, the Superintendent or his or her designee responsible for implementing this policy may expend funds as needed to attend training or secure use of other educational resources for ensuring compliance such as consulting, publications, and compliance assistance. The Superintendent or their designee is additionally authorized to seek the advice, as necessary, of bond counsel and/or the school district's financial advisor to ensure the school district is in compliance with this policy and all applicable laws.

Revised:

Revised: 11/19/19

Adopted: 11/17/13

## PROCEDURE 731 – POST-ISSUANCE DEBT COMPLIANCE PROCEDURES

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- I. ~~Designation of Responsible Manager~~ ~~ESIGNATION OF RESPONSIBLE MANAGER~~
  - A. The Director of Business Services is designated to oversee compliance with Policy 731, Post-Issuance Debt Compliance and the state and federal laws relevant to that policy.
  - B. The Director of Business Services may seek the advice, as necessary, of bond counsel or a financial advisor to ensure compliance with this Policy 731 and applicable state and federal laws and may expend funds as needed to attend training or secure publications and compliance assistance.
- II. ~~Duties of Director of Business Services~~ ~~UTIES OF DIRECTOR OF BUSINESS SERVICES~~
  - A. The Director of Business Services will establish written procedures and guidelines for compliance with Policy 731 including but not limited to procedures and guidelines for:
    - a. General Recordkeeping;
    - b. Arbitrage Yield Restriction and Rebate-Recordkeeping;
    - c. Assembly and Retention of Expenditure and Asset Documentation;
    - d. Monitoring Obligation-Financed Facilities that could trigger private activity concerns through
      - i. An annual review of the books and records maintained by the school district with respect to such obligations;
      - ii. An annual physical inspection of the facilities financed with the proceeds of such obligations; and
      - iii. Proper documentation of any changes to the project including necessary certificates or opinions.
    - e. Any Additional Undertakings and Activities that support II.A.a.-d. above (“Specific Duties”);
    - f. Continuing Disclosure Obligations.
  - B. The Director of Business Services will take measures to comply with any future requirements issued beyond the date of these Post-Issuance Debt Compliance Procedures that are essential to ensuring compliance with the applicable state and federal regulations.
  - C. The Director of Business Services will determine if any issuance of debt is subject to this policy.
  - D. The Director of Business Services will ensure training and educational resources for staff members with responsibility for post-issuance compliance requirements.
- III. ~~DEFINITIONS~~ ~~Definitions~~
  - A. General Recordkeeping includes:
    - a. Retention of records and documents for the obligation and all obligations issued to refund the obligation for a period of at least seven years following the final payment of the obligation unless otherwise directed by the school district’s bond counsel;
    - b. Retention of both paper and electronic versions of records and documents for the obligation; and
    - c. Assembly and retention of records including:
      - i. Description of the purpose of the obligation (referred to as the project) and the state statute authorizing the project
      - ii. Record of tax-exempt status or revocation of tax-exempt status, if applicable;
      - iii. Any correspondence between the school district and the IRS;
      - iv. Audited financial statements;
      - v. Bond transcripts, official statements and other offering documents of the obligation;
      - vi. Minutes and resolutions authorizing the issuance of the obligation;

- vii. Certifications of the issue price of the obligation;
  - viii. Any formal elections for the obligation (*i.e.* election to employ an accounting methodology other than the specific tracing method);
  - ix. Appraisals, demand surveys, or feasibility studies of property financed by the obligation;
  - x. Documents related to governmental grants, associated with construction, renovation, or purchase of property financed with the obligation; and
  - xi. Reports of any prior IRS examinations of the school district or the school district's obligation.
- B. Arbitrage Yield Restriction and Rebate Recordkeeping includes:
- a. An accounting of all deposits, expenditures, interest income and asset balances associated with each fund established in connection with the obligation, including an accounting of all monies deposited to the Debt Service Account to make debt service payments on the obligation, regardless of the source derived;
  - b. Statements prepared by Trustee or Investment Provider;
  - c. Documentation of at least quarterly allocations of investments and investment earnings to each obligation (*i.e.* uncommingling analysis)
  - d. Documentation for investments made with obligation proceeds such as
    - i. Investment contracts (*i.e.* guaranteed investment contracts);
    - ii. Credit enhancement transactions (*i.e.* bond insurance contracts);
    - iii. Financial derivatives (swaps, caps, *etc.*);
    - iv. Bidding of financial products;
  - e. Computations of the arbitrage yield;
  - f. Computations of yield restriction and rebate amounts including but not limited to:
    - i. Compliance in meeting the "Temporary Period from Yield Restriction Exception" and limiting the investment of funds after the temporary period expires;
    - ii. Compliance in meeting the "Rebate Exception":
      - 1. Qualifying for the "Small Issuer Exception"
      - 2. Qualifying for a "Spending Exception"
        - a. Six Month Spending Exception
        - b. 18 Month Spending Exception
        - c. 24 Month Spending Exception
      - 3. Qualifying for the "Bona Fide Debt Service Fund Exception"
      - 4. Quantifying arbitrage on all funds established in connection with the obligation in lieu of satisfying arbitrage exceptions (including Reserve Funds and Debt Service Funds)
  - g. Computations of yield restriction and rebate payments;
  - h. Timely Tax Form 8038-T filing, if applicable, remit any arbitrage liability associated with the obligation to the IRS at each five year anniversary date of the obligation, and the date in which the obligation is no longer outstanding (redemption or maturity date), whichever comes sooner, within 60 days of said date;
  - i. Timely Tax Form 8038-R filing, if applicable;
  - j. Procedures or guidelines for monitoring instances where compliance with applicable yield restriction requirements depends on subsequent reinvestment of obligation proceeds in lower yielding investments (for example: reinvestment in zero coupon SLGS).
- C. Assembly and Retention of Expenditure and Asset Documentation includes:
- a. Documentation of allocations of obligation proceeds to expenditures (*i.e.* allocation of proceeds to expenditures for the construction, renovation or purchase of facilities owned and used in the performance of exempt purposes), such allocation to be done not later than the earlier of;

- i. Eighteen (18) months after the later of the date the expenditure is paid, or the date the project, if any, that is financed by the tax-exempt bond issue is placed in service, or
    - ii. The date sixty (60) days after the earlier of the fifth anniversary of the issue date of the tax-exempt bond issue, or the date sixty (60) days after the retirement of the tax-exempt bond issue.
  - b. Documentation of allocations of obligation proceeds to issuance costs;
  - c. Copies of requisitions, draw schedules, draw requests, invoices, bills and cancelled checks related to obligation proceed expenditures during the construction period;
  - d. Copies of all contracts entered into for the construction, renovation or purchase of facilities financed with obligation proceeds;
  - e. Records of expenditure reimbursements incurred prior to issuing bonds for facilities financed with obligation proceeds (Declaration of Official Intent/Reimbursement Resolutions including all modifications);
  - f. List of all facilities and equipment financed with obligation proceeds.
  - g. Depreciation schedules for depreciable property financed with obligation proceeds;
  - h. Documentation that tacks the purchase and sale of assets financed with obligation proceeds;
  - i. Documentation of timely payment of principal and interest payments on the obligation
  - j. Tracking of all issue proceeds and the transfer of proceeds into the debt service fund as appropriate; and
  - k. Documentation that excess earnings from a Reserve Fund is transferred to the Debt Service Fund on an annual basis (excess earnings are balances in a Reserve Fund that exceed the Reserve Fund requirement).
- D. Monitoring obligation-financed facilities that could trigger private activity concerns includes:
  - a. Monitoring the use of all obligation-financed facilities in order to determine whether private business uses of obligation-financed facilities have exceeded the *de minimus* limits set in Section 141(b) of the Code as a result of sale of the facilities (including easements or use arrangements for areas outside the four walls, *e.g.* hosting cell phone towers), leasehold improvement contracts, licenses, management contracts (in which the school district authorizes a third party to operate a facility such as a cafeteria), research contracts, preference arrangements (in which the school district permits a third party preference, such as parking in a public parking lot), joint ventures, limited liability companies or partnership arrangements, output contracts or other contracts for use of utility facilities (including contracts with large utility users), development agreements which provide for guaranteed payments or property values from a developer, grants, or loans made to private entities (including special assessment agreements), naming rights agreements, or other arrangements that provide special legal entitlements to nongovernmental persons; and
  - b. Determining whether private security or payments that exceed the *de minimus* limits set forth in Section 141(b) of the Code have been provided by nongovernmental persons with respect to such obligation-financed facilities.
- E. Additional Undertakings and Activities that Support Specific Duties includes:
  - a. Notification and consultation with the school district's bond counsel, financial advisor and arbitrage provider
    - i. Before responding to any IRS inquiries; and
    - ii. Before engaging in post-issuance credit enhancement transactions (*i.e.* bond insurance, letter of credit, or hedging transactions (*i.e.* interest rate swap, cap).
  - b. Monitoring all "qualified tax-exempt debt obligations" within the first calendar year to determine if the limit is exceeded, and if exceeded, address appropriately.

- c. Identifying any post-issuance change to terms of bonds that could be treated as a current refunding of "old" bonds by "new" bonds, often referred to as "reissuance."
- d. Consultation with the school district's bond counsel prior to any sale, transfer, change in use or change in users of obligation-financed property that may require "remedial action" under applicable Treasury Regulations or resolution pursuant to the VCAP Program.
- e. Preparation and timely filing of the appropriate tax form for federal subsidy payments for applicable obligations (*i.e.* Build America Bonds).

F. Continuing Disclosure Obligations

- a. The Director of Business Services may assign responsibilities, delegate where appropriate or engage a dissemination agent or third-party service providers to perform all or some of the duties described in this section. The school dDistrict cannot delegate its compliance responsibilities;
- b. Identification of the documents that set forth the respective requirements being monitored at the time of closing for each obligation;
- c. Cataloging all outstanding Continuing Disclosure Agreements (CDA) and establish consolidated filing requirements based on the outstanding CDAs;
- d. Establishing a system or filing alerts or reminders to administer the filing requirements;
- e. Requiring that the Director of Business Services for compliance be made aware of any new outstanding debt, changes to obligation or loan covenants, events of acceleration or default that would materially affect investors;
- f. Reviewing a compliance checklist to verify compliance with CDA requirements, at least annually;
- g. Monitoring the following material events and filing required notices within 10 days of occurrence:
  - i. Principal and interest payment delinquencies;
  - ii. Non-payment related defaults, if material;
  - iii. Unscheduled draws on debt service reserves reflecting financial difficulties;
  - iv. Unscheduled draws on credit enhancements reflecting financial difficulties;
  - v. Substitution of credit or liquidity providers or their failure to perform;
  - vi. Adverse tax opinion, IRS notices or material events affecting the tax status of the obligation;
  - vii. Modifications to rights of security holders, if material;
  - viii. Obligation calls, if material;
  - ix. Defeasances;
  - x. Release, substitution or sale of property securing repayment of the obligations, if material;
  - xi. Rating Changes;
  - xii. Bankruptcy, insolvency, receivership, or similar event of the obligated person(s);
  - xiii. Merger, consolidation, or acquisition of the obligated person, if material;
  - xiv. Appointment of a successor or additional trustee, or change of name of a trustee, if material;
  - xv. Incurrence of financial obligation (*i.e.* debt obligation, derivative instrument or guarantee of debt obligation) of the school dDistrict, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the school dDistrict, any of which affect security holders, if material; and
  - xvi. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the school dDistrict, any of which reflect financial difficulties.

- h. In addition to the mandatory material events described in III F g, review and within its discretion file additional or voluntary event notices;
- i. Maintain a catalog of all outstanding obligations whether publicly offered or privately placed, and the terms and conditions that govern default or acceleration provisions;
- j. Taking remedial efforts to address any missed filing requirements with a “failure to file notice” as soon as possible once the late filing is identified and the required information is available to file;
- k. Removing/redacting any sensitive information such as bank accounts and wire information from documents prior to posting on EMMA;
- l. Monitoring for changes in law and regulations that effect continuing disclosure obligations and reviewing disclosure policies and procedures periodically to ensure compliance and consistency with regulation and market expectations.

| Revised:

Revised: 11/19/19

Adopted: 11/17/13

## **POLICY 740- ELECTRONIC SIGNATURES**

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### **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)