

# Chisholm School District School Board Meeting Agenda

Monday, January 23, 2023 at 5:00 PM  
Regular Meeting  
Chisholm School Board Room

## I. Determination of Quorum and Call to Order

### II. Public Comment:

**Description:** Welcome to this meeting of the Board of Education Independent School District #695, Chisholm School District. We are extremely pleased that you have shown an interest in school district affairs by attending this meeting. The Board of Education allows public participation at its meeting, but at the same time has the responsibility for conducting its business in an orderly fashion. We will provide the audience with an opportunity to request to speak. We request that before you speak to announce your name. Each speaker will be allowed five minutes unless the time limit is waived by a majority of the board members present. At a public meeting of the board, no person shall orally initiate charges or complaints against individual employees of the district or challenge instructional materials used in the district. All such charges, if presented to the board directly, shall be referred to the Superintendent for investigation and report. We would also like to remind the public that the school board is not allowed to comment on your concerns. If there are no questions, we will open the public comment section of the board meeting.

## III. Recognition of Guests and Visitors

## IV. Approve Agenda

## V. Reports

## VI. Consent Agenda

- A. Approve Minutes of January 9, 2023, Reorganizational and Regular Meetings. 4

**Attachments:**

SBM 1/09/2023 4

## VII. Action Agenda

- A. Motion to approve the lane change request from Timothy Nelson, Math Instructor, HS, from lane F to lane G, effective January 1, 2023. 11

**Attachments:**

TN Lane Change Request 2023 11

- B. Motion to approve the increase in pay for the district Teacher on Call employees as follows: Sub Teacher increase of \$20

Retired Chisholm Teacher Sub increase by \$25 Paraprofessional per hour increase by \$1.50 Effective date February 1, 2023	
C. Approve Resolution of the School Board of Independent School District No. 695 (Chisholm Public Schools) State of Minnesota (The "District") Approving the Sale of the District's General Obligation School Building Bonds, Series 2023A	12
<b>Attachments:</b>	
Approving Resolution - ISD 695 Series 2023A (CIB and CAB)	12
D. Motion to approve the Proposal for Contracted Services with Kristen Hoheisel as presented.	49
<b>Attachments:</b>	
KH Proposal 1/23/23	49
E. Motion to approve the 2023/24 School Calendar as presented.	50
<b>Attachments:</b>	
2023/2024 School Calendar	50
F. Motion to approve the MSHSL Form B grant to offset the cost in three specific areas, including leadership initiatives, safety, and transportation, as presented.	51
<b>Attachments:</b>	
Form B Resolution Grant for student support	51
G. First Reading Policy 401 Equal Employment Opportunity	52
<b>Attachments:</b>	
Policy 401	52
H. First Reading Policy 402 Disability Nondiscrimination	54
<b>Attachments:</b>	
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I. First Reading Policy 403 Discipline, Suspension, and Dismissal of School District Employees	56
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Policy 403	56
J. First Reading Policy 404 Employment Background Checks	59
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Policy 404	59
K. First Reading Policy 405 Veteran's Preference	62

<b>Attachments:</b>	
Policy 405	62
L. First Reading Policy 406 Public and Private Personnel Data and Form	64
<b>Attachments:</b>	
Policy 406	64
<b>M. First Reading Policy 407 Employee Right to Know - Exposure to Hazardous Substances</b>	
<b>Attachments:</b>	
Policy 407	73
N. First Reading Policy 408 Subpoena of a School District Employee	75
<b>Attachments:</b>	
Policy 408	75
<b>O. First Reading Policy 409 Employee Publications, Instructional Materials, Inventions, and Creations</b>	
<b>Attachments:</b>	
Policy 409	77
P. First Reading Policy 412 Expense Reimbursement	78
<b>Attachments:</b>	
Policy 412	78
<b>Q. First Reading Policy 807 Health and Safety</b>	
<b>Attachments:</b>	
Policy 807	80
VIII. Discussion	
<b>A. House File No. 414</b>	
<b>Attachments:</b>	
House File #414	84
B. -Board Self Evaluation -Student Member at Board Table	
IX. Information	
A. 1/23/23 Enrollment Numbers	89
<b>Attachments:</b>	
1/23/23 Enrollment Numbers	89
X. Adjourn	

The Regular Meeting of the School Board, Independent School District No. 695, was called to order at 5:00 P.M. on January 9, 2023, in the Elementary Board Room. Members present: Directors Sauter, Rice, Corradi Simon, Lappi, Casey, and Rahja.

### APPROVE AGENDA

Moved by Director Sauter supported by Director Lappi to approve the January 9, 2023, reorganization agenda. Motion carried unanimously.

Newly elected board members Casey, Corradi Simon, Lappi and Rice accepted the oath of office.

### **Reorganization of School Board:**

#### ELECT CHAIR

Chair Rahja called for nominations for position of School Board Chair. Director Sauter nominated Chair Rahja. No other nominations were made. Chair Rahja closed the nominations. By acclamation Robert Rahja was nominated to Board Chair.

#### ELECT CLERK

Chair Rahja called for nominations for position of School Board Clerk. Director Corradi Simon nominated Director Randa Sauter. No other nominations were made. Chair Rahja closed the nominations. By acclamation Danielle Randa Sauter was nominated to Board Clerk.

#### ELECT TREASURER

Chair Rahja called for nominations for position of School Board Treasurer. Director Lappi nominated Director Rice. No other nominations were made. Chair Rahja closed the nominations. By acclamation Cindy Rice was nominated to Board Treasurer.

#### ELECT CHAIR PRO TEM

Chair Rahja called for nominations for position of School Board Pro Tem Chair. Chair Rahja nominated Director Corradi Simon. No other nominations were made. Chair Rahja closed the nominations. By acclamation Jaclyn Corradi Simon was nominated to Board Chair Pro Tem.

#### ELECT CLERK PRO TEM

Chair Rahja called for nominations for position of School Board Pro Tem Clerk. Chair Rahja nominated Director Lappi. No other nominations were made. Chair Rahja closed the nominations. By acclamation Shelly Lappi was nominated to Board Clerk Pro Tem.

#### ELECT TREASURER PRO TEM

Chair Rahja called for nominations for position of School Board Pro Tem Treasurer. Director Corradi Simon nominated Director Casey. No other nominations were made. Chair Rahja closed the nominations. By acclamation Mark Casey was nominated to Board Treasurer Pro Tem.

#### RESOLUTION – SALARIES OF BOARD MEMBERS

Director Rice offers the following Resolution and moves it adoption: RESOLVED, by the School Board, ISD #695, Chisholm, that the salaries of the school board members will be \$350.00 per month, payable monthly, for regularly scheduled board meetings. The Chairperson of the school board shall receive \$400 per month, payable monthly, for regularly scheduled board meetings. \$25.00 per meeting shall be allowed for additional meetings.

Director Sauter supported the foregoing Resolution. Motion carried unanimously.

#### APPROVE THE USE OF THE SIGNATURE PLATE

Chair Rahja felt that this did not need to be approved due to the Officers not changing positions on the board.

#### RESOLUTION – OFFICIAL NEWSPAPER

Director Casey offers the following Resolution and moves its adoption: RESOLVED, by the School Board, ISD #695, Chisholm, that The Mesabi Tribune be designated the official newspaper of the School District to publish the proceedings of the Meetings of the School Board and legal notices and display advertising at the legal rate.

Director Lappi supported the foregoing Resolution. Motion carried unanimously.

#### RESOLUTION – DATES AND TIMES OF BOARD MEETINGS

Moved by Director Sauter offers the following Resolution and moves it adoption: RESOLVED, by the School Board, ISD #695, Chisholm, that the regular school board meetings be held on the second Monday after the first Monday of each month unless otherwise designated.

Director Rice supported the foregoing Resolution. Motion carried unanimously.

#### RESOLUTION – PREPAYMENT OF CERTAIN CLAIMS

Director Corradi Simon offers the following Resolution and moves its adoption: RESOLVED, by the School Board, ISD #695, Chisholm, that the Business Manager be authorized to prepay certain claims to take advantage of discounts.

Director Lappi supported the foregoing Resolution. Motion carried unanimously.

#### RESOLUTION – ELECTRONIC FUNDS TRANSFER

Director Casey offers the following Resolution and moves its adoption: RESOLVED, by the School Board, ISD #695, Chisholm, that the Business Manager be authorized to make payments through the use of electronic fund transfers and shall report the same to the School Board each month.

Director Corradi Simon supported the foregoing Resolution. Motion carried unanimously.

REPRESENTATIVE TO THE MSHSL

Chair Rahja appointed himself to be the district Representative to the MSHSL

REPRESENTATIVE TO TITLE I PARENT ADVISORY COMMITTEE

Chair Rahja appointed Director Lappi to be the District Representative to Title I Parent Advisory Committee.

REPRESENTATIVE TO COMMUNITY ED ADVISORY COUNCIL

Chair Rahja appointed Director Lappi to be the District Representative to Community Ed Advisory Council

REPRESENTATIVE TO DISTRICT HEALTH AND SAFETY COMMITTEE

Chair Rahja appointed Director Rice to be the District Representative to District health and Safety Committee.

REPRESENTATIVE TO WORLD'S BEST WORK FORCE

Chair Rahja appointed Director Sauter and Director Corradi Simon to be the District Representative to World's Best Work Force.

REPRESENTATIVE TO DISTRICT FINANCE COMMITTEE

Chair Rahja appointed Director Casey and himself to be the District Representatives to the Finance Committee.

REPRESENTATIVE TO DISTRICT POLICY COMMITTEE

Chair Rahja appointed Director Rice and Director Lappi to be the District Representative to the Policy Committee.

ADJOURN

Moved by Director Lappi, supported by Chair Rahja to adjourn the meeting at 5:15 P.M. Motion carried 5-1. Director Casey voted against.

DRS/lea

The Regular Meeting of the School Board, Independent School District No. 695, was called to order at 5:15 P.M. on January 9, 2023, in the Elementary Board Room. Members present: Directors Sauter, Rice, Lappi, Corradi Simon, Casey and Chair Rahja.

**Public Comment:** None

**Recognition of Guests and Visitors:** None

APPROVE AGENDA

Moved by Director Rice supported by Director Sauter to approve the January 9, 2023, agenda. Motion carried unanimously.

APPROVE CONSENT AGENDA

Moved by Director Casey supported by Director Sauter and approved unanimously to approve the Consent Agenda which consists of the Minutes from the December 29, 2022 Regular Meeting, and the following for the Month of December 2022: Accounts payable in the amount of \$302,324.53 and payrolls in the amount of \$625,128.2.

REPORTS

Superintendent Norman addressed the board regarding the following: Two student teachers will be at the Vaughan from St. Scholastica. Land swap agreement sent to the attorney. Job Descriptions for Business Services sent to both Hibbing and ARCC. Moody's bond rating. January 31<sup>st</sup> presenting to the LCP Board for the Grant for the Smart Studio.

Mike Fredeen addressed the board regarding the following: The Kubota is being serviced for warranty work. February 16<sup>th</sup> water testing is scheduled. Air sampling showed nothing. MSBA Policy 807 will be guiding the Health and Safety Committee. Starting some discussion internally at equipment replacement. City is using our equipment periodically.

**Personnel:**

APPROVE THE HIRING OF LAURA POLASKE

Moved by Director Lappi supported by Director Sauter to approve the hiring of Laura Polaske as a substitute secretary, district wide, effective January 4, 2023. Director Lappi rescinded her motion along with the second from Director Sauter and asked for the motion to be tabled. Moved by Director Sauter, supported by Director Rice to table the motion. Motion carried unanimously.

**Administrative Business:**

APPROVE CORPORATE AUTHORIZATION RESOLUTION

Moved by Director Casey, supported by Director Rice to approve the Corporate Authorization Resolutions for the following school district depositories:

1. Park State Bank
2. PMA Financial Network, Inc.
3. MN Liquid Asset Fund
4. Robert W. Baird & Company
5. US Bank – Hibbing

Motion carried unanimously.

APPROVE COLOSIMA, PATCHIN, KEARNEY & BRUNFELT, LTD AS SCHOOL DISTRICT LEGAL COUSEL FOR THE 2023 SCHOOL YEAR

Moved by Director Lappi, supported by Director Rice, approve Colosimo, Patchin, Kearney & Brunfelt, LTD as school district legal counsel for the 2023 school year. The Superintendent and Director Corradi Simon are to be named school contacts. Motion carried unanimously.

APPROVE PAY EQUITY COMPLIANCE REPORT

Moved by Director Casey, supported by Director Corradi Simon to approve the Pay Equity Compliance Report as presented. Motion carried unanimously.

APPROVE PAYMENT TO BSN SPORTS

Moved by Director Casey supported by Director Corradi Simon, to approve payment to BSN Sports in the amount of \$17,702.43 for the purchase of athletic equipment for the 2022/2023 school year as presented. Motion carried unanimously.

ADOPT RESOLUTION TO ACCEPT DONATIONS

Moved by Director Lappi, supported by Director Sauter, to adopt the Resolution to accept donations. Motion carried unanimously.

ADD FORM B APPLICATION TO MINNEOSOTA HIGH SCHOOL LEAGUE FOUNDATION TO THE ACTION AGENDA

Moved by Director Corradi Simon, supported by Director Sauter to add item F to the action agenda. Motion carried unanimously.

APPROVE FORM B APPLICATION TO MINNESOTA HIGH SCHOOL LEAGUE FOUNDATION

Moved by Director Corradi, supported by Director Lappi, to approve Form B application to Minnesota High School League. Motion carried unanimously.

**Information:**

-Enrollment numbers

ADJOURN

Moved by Director Lappi, supported by Director Sauter to adjourn the meeting at 6:06 P.M. Motion carried unanimously.

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Danielle Randa Sauter, clerk

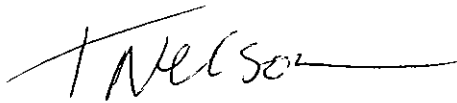
DRS/lea

January 9, 2023

To whom it may concern

I am writing to formally request a lane change from SEM MA +10 to SEM MA +20. As of December 30, 2022, I have successfully completed 21 graduate credits beyond my masters degree. I have submitted all appropriate documentation of my credits to the office and would hope that this request would go through before the deadline of February 1, 2023.

Thank you

A handwritten signature in black ink that reads "Timothy Nelson". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Timothy Nelson  
Math Teacher  
Chisholm High School

CERTIFICATION OF MINUTES

RELATING TO

GENERAL OBLIGATION SCHOOL BUILDING BONDS, SERIES 2023A  
(MINNESOTA SCHOOL DISTRICT CREDIT ENHANCEMENT PROGRAM)

ISSUER: INDEPENDENT SCHOOL DISTRICT NO. 695  
(CHISHOLM PUBLIC SCHOOLS), STATE OF MINNESOTA

GOVERNING BODY: SCHOOL BOARD

KIND, DATE, TIME AND PLACE OF MEETING: A regular meeting held on January 23, 2023, at 5:00 o'clock p.m., held in the Chisholm School Board Room, 300 Third Avenue SW, Chisholm, Minnesota 55719.

MEMBERS PRESENT: \_\_\_\_\_

MEMBERS ABSENT: \_\_\_\_\_

Documents Attached: Extract of Minutes of said meeting.

**RESOLUTION OF THE SCHOOL BOARD OF INDEPENDENT SCHOOL DISTRICT NO. 695 (CHISHOLM PUBLIC SCHOOLS) STATE OF MINNESOTA (THE "DISTRICT") APPROVING THE SALE OF THE DISTRICT'S GENERAL OBLIGATION SCHOOL BUILDING BONDS, SERIES 2023A (THE "BONDS") TO THE PURCHASER THEREOF; DETERMINING THE FORM AND DETAILS OF SUCH BONDS; AUTHORIZING THE EXECUTION, DELIVERY AND REGISTRATION OF SUCH BONDS; PROVIDING FOR THE PAYMENT OF AND THE SECURITY FOR SUCH BONDS; AND AUTHORIZING AND RATIFYING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH**

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the obligations referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said obligations; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting duly given as required by law.

EXECUTED AND DATED this \_\_\_<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
School District Clerk

EXTRACT OF MINUTES OF A MEETING  
OF THE SCHOOL BOARD  
OF INDEPENDENT SCHOOL DISTRICT NO. 695  
(CHISHOLM PUBLIC SCHOOLS), STATE OF MINNESOTA

HELD: JANUARY 23, 2023

Pursuant to due call and notice thereof, a regular meeting of the School Board of Independent School District No. 695 (Chisholm Public Schools Public Schools), State of Minnesota (the “District”), was duly held on January 23, 2023, at 5:00 o’clock p.m., for the purpose, in part, of approving the sale of of the General Obligation School Building Bonds, Series 2023A of the District All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

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

**RESOLUTION OF THE SCHOOL BOARD OF INDEPENDENT SCHOOL DISTRICT NO. 695 (CHISHOLM PUBLIC SCHOOLS), STATE OF MINNESOTA (THE “DISTRICT”) APPROVING THE SALE OF THE DISTRICT’S GENERAL OBLIGATION SCHOOL BUILDING BONDS, SERIES 2023A (THE “BONDS”) TO THE PURCHASER THEREOF; DETERMINING THE FORM AND DETAILS OF SUCH BONDS; AUTHORIZING THE EXECUTION, DELIVERY AND REGISTRATION OF SUCH BONDS; PROVIDING FOR THE PAYMENT OF AND THE SECURITY FOR SUCH BONDS; AND AUTHORIZING AND RATIFYING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH**

**BE IT RESOLVED** by the School Board (the “**Board**”) of Independent School District No. 695 (Chisholm Public Schools), State of Minnesota (the “**District**”), as follows:

**Article I  
Authorization and Sale**

**Section 1.01 Authorization and Purpose.**

(a) The Board has previously determined that it is necessary that the District expend funds for the purposes of financing the costs of acquisition and betterment of school sites and facilities (collectively, the “**Project**”).

(b) Pursuant to a resolution passed by this Board on August 8, 2022 (the “**Election Resolution**”), there was submitted to the qualified electors of the District, at a special election of the District held on November 8, 2022 (the “**Election**”), the question of issuing general obligation bonds of the District in a principal amount not to exceed \$32,000,000 for the purposes of financing the costs of the Project and levying and collecting a special levy of taxes against all the taxable property in the District sufficient in rate and amount to pay the principal of, premium, if any, and interest on said bonds.

(c) Notice of the Election and the submission of such question, and the sample ballot regarding such question, was duly given to the qualified electors of the District by timely publication in a legal newspaper of general circulation within the District.

(d) The Election was held as designated in the Election Resolution and the notice, and at said Election there was submitted to the qualified electors of the District the question of issuing said bonds and levying taxes to pay the same as set out in the Election Resolution.

(e) The Election returns, as certified by the Election Commissioner, provided that a majority of the electors voting on the proposition cast ballots in favor of said bonds and tax.

(f) At a meeting held on December 12, 2022, this Board determined to sell and issue its general obligation bonds of the District, in the total aggregate principal amount of not to exceed \$32,000,000 (as more fully described herein, the “**Bonds**”), which have been authorized by the voters of the District at the Election to be used to finance the costs of the Project.

**Section 1.02 Sale.** The Board, having been advised by Blue Rose Capital Advisors, LLC, its independent municipal advisor, has determined that this issue shall be sold after direct negotiation, as authorized pursuant to Minnesota Statutes, Section 475.60, Subdivision 2(9), as amended. The proposal of Robert W. Baird & Co., Incorporated (the “**Underwriter**”) to purchase the Bonds at a price of \$34,418,415.60 (representing the initial stated amount of the Bonds of \$31,999,047.90, plus original issue premium of \$2,981,680.20 and less underwriter’s discount of \$562,312.50), was accepted by the Superintendent or Business Manager and a School Board Officer on January 11, 2023 pursuant to the Bond Purchase Agreement between the Underwriter and the Superintendent and a School Board Officer. The proposal of the Underwriter and the award of the sale of the Bonds is hereby approved and ratified by the Board.

The Bonds will consist of current interest bonds (the “**Current Interest Bonds**”) and capital appreciation bonds (the “**Capital Appreciation Bonds**”). The original principal amount of the Capital Appreciation Bonds (\$13,894,047.90) will bear compounding interest at the rates set forth in Section 2.02 below, payable at maturity, and will have an aggregate final accreted Maturity Value (defined herein) of \$26,880,000.

**Section 1.03 Execution of Documents.** The execution of the Bond Purchase Agreement dated January 11, 2023 between the Underwriter and the District is hereby ratified.

**Section 1.04 Compliance with Law.** All acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed precedent to the issuance of the Bonds having been done, having happened and having been performed in regular and due form, time and manner as required by law, the Board hereby finds and determines that it is necessary for this Board to provide for the issuance, sale and delivery of the Bonds, to establish the form and terms of the Bonds and to provide for the payment and the security thereof.

## **Article II**

### **Authorization; Bond Terms; Registration; Execution and Delivery**

**Section 2.01 Authorization and Designation.** In accordance with the laws of the State of Minnesota, the Board hereby authorizes the issuance of the Bonds in the aggregate original principal amount of \$31,999,047.90 to be used to finance the costs of the Project. Such Bonds shall be designated as “**General Obligation School Building Bonds, Series 2023A**”.

**Section 2.02 Maturities, Interest Rates and Denominations.** The Bonds shall be originally dated their date of original issue and delivery (February 13, 2023).

**(a) Current Interest Bonds.** The Current Interest Bonds shall be issued and sold in denominations of \$5,000 or any integral multiple thereof within a single maturity, shall be numbered R-1 upwards, shall mature on February 1 in the years and amounts set forth below and shall bear interest at the rates per annum set forth below opposite such years and amounts from their date of original issue or from the most recent Interest Payment Date (as defined herein) to which interest has been paid or duly provided for until paid or duly called for redemption (if any), as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest</u>
2025	\$615,000	6.00%
2026	655,000	6.00
2027	700,000	6.00
2028	1,180,000	6.00
2029	2,670,000	6.00
2030	2,830,000	6.00
2031	3,000,000	5.00
2032	3,150,000	5.00
2033	3,305,000	5.00

**(b) Capital Appreciation Bonds.** The Capital Appreciation Bonds shall be issued and sold in denominations corresponding to a Maturity Value of \$5,000 or any integral multiple thereof within a single maturity. The Capital Appreciation Bonds shall mature on February 1 in the years and amounts set forth below and shall accrete interest at the rates per annum set forth below, shall be numbered R-10 upwards, shall be issued in the specified original principal amount shown below for each \$5,000 Maturity Value or any integral multiple thereof, shall bear interest from the date of original delivery thereof until maturity at the rate which, when accreted and compounded on each February 1 and August 1 (the “Interest Compounding Date”), commencing August 1, 2023, results in an accreted value at maturity (the “Maturity Value”) as shown below:

<u>Year</u>	<u>Initial Principal Amount per \$5,000 Maturity Value</u>	<u>Total Initial Principal Amount</u>	<u>Yield</u>	<u>Total Accreted Value at Maturity</u>
2034	\$3,298.20	\$2,044,884.00	3.830%	\$3,100,000
2035	3,109.05	1,644,687.45	4.010	2,645,000
2036	2,901.95	1,535,131.55	4.240	2,645,000
2037	2,733.70	1,446,127.30	4.370	2,645,000
2038	2,580.00	1,364,820.00	4.470	2,645,000
2039	2,449.20	1,293,177.60	4.520	2,640,000
2040	2,326.65	1,228,471.20	4.560	2,640,000
2041	2,212.40	1,168,147.20	4.590	2,640,000
2042	2,106.40	1,112,179.20	4.610	2,640,000
2043	2,000.80	1,056,422.40	4.640	2,640,000

The Bonds shall be issuable only in fully registered form. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months. The interest thereon and, upon surrender of each Bond, the principal amount thereof, shall be paid by check or draft issued by the Registrar described herein; provided, however, that so long as the Bonds are registered in the name of a

securities depository, or a nominee thereof, in accordance with Section 2.08 hereof, the principal of and the interest, if applicable, on the Bonds shall be paid in accordance with the operational arrangements of the securities depository.

The maturities set forth above, together with the maturities of all other outstanding general obligation bonds of the District, meet the requirements of Minnesota Statutes, Section 475.54.

**Section 2.03 Dates; Interest Payments and Compounding Interest.** Upon initial delivery of the Bonds pursuant to Section 2.07 hereof and upon any subsequent transfer or exchange pursuant to Section 2.06 hereof, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred.

The interest on the portion of the Bonds representing Current Interest Bonds shall be payable on February 1 and August 1 (each, an “**Interest Payment Date**”), commencing August 1, 2023, to the owners of record thereof as of the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day the (“**Record Date**”). If any payments of interest due on the Current Interest Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Current Interest Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Registrar whenever monies for the purpose of paying such defaulted interest becomes available.

A portion of the Bonds will be issued as Capital Appreciation Bonds with interest compounding semiannually at the rates set forth in Section 2.02(b) hereof and payable at maturity. For each \$5,000 Maturity, the accreted amount for each Bond, as of the Interest Compounding Dates between the date of original authentication and delivery and its maturity, shall be the amount set forth in the table printed on each such Bond and shown in Exhibit E attached hereto. The accreted amount as of any date between an Interest Compounding Date shall be computed on the assumption that the accreted amount increases in equal daily amounts on the basis of a 360-day year of twelve 30-day months. All payments shall be at the accreted value as of the date of redemption.

If the date for payment of the principal of or the interest, if applicable, on the Bonds shall be a Saturday, Sunday, legal holiday or day on which banking institutions in the city in which the principal corporate trust office of the Registrar is located are authorized by law or executive order to close, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal payment date.

### **Section 2.04 Redemption.**

(a) **Optional Redemption.** The District may elect on February 1, 2030, and on any day thereafter, to prepay Bonds due on or after February 1, 2031. Redemption may be in whole or in part and if in part at the option of the District and in such manner as the District shall determine. All Current Interest Bonds shall be redeemed at a price of par plus accrued interest to the date of redemption. All Capital Appreciation Bonds shall be redeemed at a price of equal to

the accreted amount at the most recent interest compounding date and accrued interest to the date of redemption. Bonds subject to redemption shall be redeemed in whole multiples of \$5,000 Maturity Value. If any Bond is in a denomination in excess of \$5,000, portions of the principal amount thereof in installments of \$5,000 Maturity Value or any whole multiple thereof may be redeemed, and if less than all of the principal amount thereof is to be redeemed, in such case upon the surrender of such Bonds there shall be issued to the registered owner thereof without charge therefor, for the then unredeemed balance of the principal amount thereof, Bonds of like series, maturity and interest rates in any of the authorized denominations provided by this Resolution. If less than all Bonds of any maturity are to be called for redemption pursuant to this Resolution, the Registrar shall select the particular Bonds of such maturity to be redeemed by lot.

(b) **Reserved.**

(c) **Notice of Redemption.** Notice of redemption of Bonds stating their designation, date, maturity, principal amounts and the redemption date shall be given by the Registrar by mailing such notice by first class mail, postage prepaid, not less than 30 days prior to the date fixed for redemption (or such shorter period as may be acceptable to the then registered owner of the Bonds) to the registered owners at their most recent addresses appearing upon the books of the Registrar. Failure to give notice to any particular registered owner or any defect in the notice given to such owner shall not affect the validity of the proceedings calling the Bonds or the redemption of any Bonds for which proper notice has been given. Notice of redemption need not be given to the holder of any Bonds, whether registered or not, who has waived notice of redemption. Notice of redemption having been given as provided above or notice of redemption having been waived by the owners of Bonds called for redemption to whom such notice has not been given as provided above, the Bonds so called for redemption shall become due and payable on the designated redemption date. The District shall give written notice to the Registrar of its election to redeem Bonds at least 45 days prior to the said redemption date, or such shorter period as shall be acceptable to the Registrar. If on or before the said redemption date funds sufficient to pay the Bonds so called for redemption at the applicable redemption price and accrued interest to said date have been deposited or caused to have been deposited by the District with the Registrar for the purposes of such payment and notice of redemption thereof has been given or waived as hereinbefore provided, then from and after the date fixed for redemption interest on such Bonds so called shall cease to accrue and become payable. If such funds shall not have been so deposited with the Registrar as aforesaid no later than the date fixed for redemption, such call for redemption shall be revoked and the Bonds so called for redemption shall continue to be outstanding the same as though they had not been so called; such Bonds shall continue to bear interest until paid at such rate as they would have borne had they not been called for redemption and shall continue to be protected by this Bond Resolution and entitled to the benefits and security hereof.

**Section 2.05. Appointment of Initial Registrar.** The District hereby appoints U.S. Bank Trust Company, National Association in St. Paul, Minnesota, as the initial bond registrar, transfer agent and paying agent (the “**Registrar**”). The Chair of the Board and the Clerk of the District are authorized to execute and deliver, on behalf of the District, a contract with the Registrar (the “**Registrar Agreement**”). The Registrar shall have only such duties and obligations as are expressly specified by this Resolution and the Registrar Agreement, and no other duties or obligations shall be implied to the Registrar, except as may be set forth in a written agreement between the District and a successor Registrar.

The District agrees to pay the reasonable and customary charges of the Registrar for the services performed. The Registrar shall notify the District in writing of any changes in its principal corporate trust office as set forth in this Section.

Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar.

The District reserves the right to remove the Registrar upon thirty (30) days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the bond register to the successor Registrar. The Chair of the Board and the Clerk of the District is each authorized to remove the Registrar as provided herein if he or she determines such removal is in the best interest of the District. Upon such removal, such officer is authorized to appoint a successor Registrar and to execute a Registrar Agreement with such successor Registrar in a form substantially similar to that approved by the Board pursuant to this Resolution, but with such changes as he or she shall deem appropriate or necessary.

**Section 2.06. Registration.** The effect of registration and the rights and duties of the District and the Registrar with respect thereto shall be as follows:

(a) Register. The Registrar shall keep at its principal corporate trust office a bond register in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after any Record Date and until the immediately succeeding Interest Payment Date.

(c) Exchange of Bonds. Whenever any Bonds are surrendered by the registered owner for exchange the Registrar shall authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity, as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the District.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and

that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The District and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds, the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any such Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that such Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the District and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the District. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.

(i) Authenticating Agent. The Registrar is hereby designated authenticating agent for the Bonds, within the meaning of Minnesota Statutes, Section 475.55, Subdivision 1.

(j) Valid Obligations. All Bonds issued upon any transfer or exchange of Bonds shall be the valid obligations of the District, evidencing the same debt, and entitled to the same benefits under this Resolution as the Bonds surrendered upon such transfer or exchange.

**Section 2.07. Execution; Authentication and Delivery.** The Bonds shall be prepared under the direction of the Clerk of the District and shall be executed on behalf of the District by the signatures of the Chair of the Board and the Clerk of the District, provided that all signatures may be printed, engraved, or lithographed facsimiles of the originals. In case any officer whose signature, or a facsimile of whose signature, shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature or facsimile shall nevertheless be valid and

sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Bond has been duly executed by the manual signature of the Registrar. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so executed and authenticated, they shall be delivered by the Clerk of the District to the Underwriter upon payment of the purchase price in accordance with the contract of sale heretofore made and executed.

### **Section 2.08. Securities Depository.**

(a) For purposes of this section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

“Representation Letter” shall mean the Representation Letter pursuant to which the District agrees to comply with DTC’s Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the District may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this Resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the District shall be affected by any notice to the contrary. Neither the Registrar nor the District shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this Resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of

and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC's Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the District to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the District determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the District may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the District and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC, in substantially the form attached hereto as Exhibit B, by the Chair of the Board or the Clerk of the District, if not previously filed with DTC, is hereby authorized and directed.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this Resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this Resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates.

### **Article III Form of Bonds**

The Current Interest Bonds shall be issued in substantially the form of bond attached as Exhibit A-1 hereto. The Capital Appreciation Bonds shall be issued in substantially the form of bond attached as Exhibit A-2 hereto.

### **Article IV Deposit and Application of Bond Proceeds**

Upon payment for the Bonds by the Underwriter, proceeds of the Bonds shall be applied to pay costs and expenses of the Project and deposited in accounts established on the books and records of the District as follows:

(i) \$34,304,509.47 shall be deposited in the Project Fund (as defined herein) to be used for the payment of the costs of the Project.

(ii) \$43,941.67 shall be deposited in the Debt Service Funds (as defined herein) to pay interest on the Bonds; and

(iii) Bond proceeds in the amount of \$69,964.46 will be disbursed by the District to pay costs of issuing the Bonds. The District may also pay such costs from other legally available moneys.

## **Article V Creation of Funds; Tax Levies; Investments**

**Section 5.01. General Obligation School Building Bonds, Series 2023A Project Accounts.** The District shall hereby establish and maintain on the official books and records of the District a “General Obligation School Building Bonds, Series 2023A Project Fund” (the “**Project Fund**”). All proceeds of the Bonds deposited in the Project Fund in accordance with Article IV hereof shall be expended solely for the payment of the costs of the Project as approved by the voters at the Election as required pursuant to Minnesota Statutes, Section 475.58, Subdivision 4. The District shall maintain the Project Fund until all costs and expenses incurred in connection with the Project have been paid. Amounts in the Project Fund shall be applied to pay the costs and expenses of acquiring, constructing, equipping and furnishing the Project. Project Fund moneys may be applied to pay the costs of issuing the Bonds; the District may also pay such costs from other legally available moneys. After payment of all Project costs and expenses, the Project Fund shall be discontinued and any Bond proceeds remaining therein shall be credited to the Debt Service Fund established by Section 5.02 hereof.

**Section 5.02. General Obligation School Building Bonds, Series 2023A Debt Service Fund.** The principal of and the interest on the Bonds shall be paid from a separate General Obligation School Building Bonds, Series 2023A Debt Service Fund (the “**Debt Service Fund**”) which shall be created and maintained on the books of the District as a separate debt redemption fund until the Bonds, and all interest thereon, are fully paid. All ad valorem taxes levied and collected as hereinafter specified shall be credited to the Debt Service Fund, as well as any other funds appropriated by the Board for the payment of the Bonds and any moneys received pursuant to the Credit Enhancement Act (as defined in Article IX herein). If any payment of principal of or interest on the Bonds shall become due when there is not sufficient money in the Debt Service Fund to make such payment, the Clerk of the District shall pay the same from any other available fund of the District, and such other fund shall be reimbursed for such advances out of the proceeds of the taxes levied for the payment of the Bonds when available. If the District does not have other moneys available to pay scheduled debt service on the Bonds, the District shall take all necessary actions pursuant to Article IX hereof.

**Section 5.03. Pledge of Full Faith and Credit; Tax Levies.** The Board hereby irrevocably pledges the full faith, credit and taxing power of the District to the prompt and full

payment of the principal of and interest on the Bonds as the same respectively become due. To provide moneys for the payment of principal of and interest on the Bonds as required by Minnesota Statutes, Section 475.61, the Board hereby represents, warrants and covenants that it shall cause to be levied and collected annually on all taxable property in the District a direct, annual ad valorem tax which shall be spread upon the tax rolls for collection in the years and amounts as follows, as a part of other general taxes of the District, as follows:

<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>
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(See Exhibit C hereto for levy computation)

Such tax shall be in excess of and in addition to all other taxes now or hereafter authorized to be levied by the District. The special tax described herein and all receipts therefrom are pledged to the payment of debt service on the Bonds. Such tax shall be irrevocable as long as any of the Bonds are outstanding and unpaid; provided that the District reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61. It is estimated that the ad valorem taxes will be collected in amounts not less than five percent (5%) in excess of the amounts needed to meet when due the payments of the accreted amounts on the Bonds. If, as of the date tax levies are certified in any year, the sum of the balance in the Debt Service Fund plus any ad valorem taxes theretofore levied for the payment of Bonds payable therefrom and collectible through the end of the following calendar year is not sufficient to pay when due all principal and interest to become due on all Bonds payable therefrom in said following calendar year, or the Debt Service Fund has incurred a deficiency in the manner provided in Section 5.01 hereof or amounts are owing to the State in the manner provided in Article IX hereof, an additional direct, irrevocable, ad valorem tax shall be levied on all taxable property within the corporate limits of the District for the purpose of restoring such accumulated or anticipated deficiency in accordance with the provisions of this Resolution.

**Section 5.04. Investments.** Moneys in each of the funds and accounts created and established by this Resolution shall be deposited, invested and secured in accordance with State law. Moneys held in such funds and accounts may be invested by the District or at its direction in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in the accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created; and provided further that such investments shall be subject to the covenants and provisions of the Article VII hereof. All interest on any authorized investment held in any fund or account shall accrue to and become a part of such fund or account. All money held in the funds created by this Resolution shall be kept separate and apart from all other funds of the District so that there shall be no commingling of such funds with any other funds of the District.

**Article VI**  
**Certification of Proceedings**

**Section 6.01. Filing with County Auditors.** The Clerk of the District is hereby authorized and directed to file with the County Auditor of each county in which the District is located in whole or in part a certified copy of this Resolution together with such other information as the County Auditors shall require and to obtain from the County Auditors a certificate that the Bonds have been entered upon the bond registers and that the tax for the payment of the Bonds has been levied as required by law.

**Section 6.02. Certification of Proceedings.** The officers of the District and the County Auditors are hereby authorized and directed to prepare and furnish to the Underwriter and to Kutak Rock LLP, Bond Counsel, certified copies of all proceedings and records of the District relating to the Bonds and to the financial condition and affairs of the District, and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds as they appear from the books and records under the officer's custody and control or as otherwise known to the them. All such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the District to the correctness of all statements contained herein.

**Section 6.03. Official Statement.** The Preliminary Official Statement relating to the Bonds, as of its date January 4, 2023 prepared and distributed by the Underwriter, including any amendments or supplements thereto, is hereby ratified, approved and deemed "final" for purposes of Rule 15c2-12 promulgated under the Securities and Exchange Act of 1934, as amended ("**Rule 15c2-12**"). The Underwriter is hereby authorized on behalf of the District to prepare and distribute to the purchasers within seven business days from the date hereof, a Final Official Statement listing the offering price, the interest rates, selling compensation, delivery date, the underwriters and such other information relating to the Bonds required to be included in the Official Statement by Rule 15c2-12. The use and public distribution of the final Official Statement by the Underwriter in connection with the offering of the Bonds is hereby authorized. The officers of the District are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

**Article VII**  
**Covenants and Arbitrage Matters.**

**Section 7.01. Restrictive Action.** The Board covenants and agrees with the registered owners of the Bonds, that it will not take or permit to be taken by any of its officers, employees or agents any actions that would cause interest on the Bonds to become includable in gross income of the recipient under the Code and applicable Regulations, and covenants to take any and all actions within its powers to ensure that the interest will not become includable in gross income of the recipient under the Code and the Regulations. It is hereby certified that the proceeds of the Refunded Bonds were used to finance the acquisition and betterment of school facilities owned and operated by the District and the District covenants and agrees that, so long as the Bonds are outstanding, the District shall not enter into any lease, management agreement, use agreement or other contract with any nongovernmental entity relating to the school facilities so financed which

would cause the Bonds to be considered “private activity bonds” or “private loan bonds” pursuant to Section 141 of the Code.

**Section 7.02. Arbitrage Certification.** The Chair of the Board and the Clerk of the District, being the officers of the District charged with the responsibility for issuing the Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with the provisions of Section 148 of the Code and applicable Regulations stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds which make it reasonable to expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be “arbitrage bonds” within the meaning of the Code and the Regulations.

**Section 7.03. Arbitrage Rebate.** The Board acknowledges that the Bonds are subject to the rebate requirements of Section 148(f) of the Code and covenants to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under Section 148(f) and applicable Regulations to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes, unless the Bonds qualify for an exception from the rebate requirement pursuant to one of the spending exceptions set forth in Section 1.148-7 of the Regulations and no “gross proceeds” of the Bonds (other than amounts constituting a “bona fide debt service fund”) arise during or after the expenditure of the original proceeds thereof.

**Section 7.04. Post-Issuance Compliance Procedures.** The Board has previously adopted the Post-Issuance Tax Compliance Procedures attached to this Resolution as Exhibit D to ensure that the District satisfies and meets all applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt status of the Bonds. The District reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as it may determine. The District also reserves the right to change these policies and procedures from time to time, without notice.

**Section 7.05. Reserved.**

## **Article VIII Continuing Disclosure**

**Section 8.01. Continuing Disclosure Undertaking.** The Board (a) authorizes and directs any District officer to execute and deliver, on the date of the issuance of the Bonds, a continuing disclosure undertaking (the “**Undertaking**”) in such form that satisfies the requirements of Rule 15c2-12 and is acceptable to the Underwriter and bond counsel and (b) covenants that it will comply with and carry out all of the provisions of the Undertaking. A description of this undertaking is set forth in the Official Statement. Notwithstanding any other provisions of this Resolution or the Undertaking, failure of the District to comply with the Undertaking will not be considered a default under this Resolution or the Bonds; however, any Bondholder or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the District to comply with its obligations under this subparagraph and the Undertaking. For purposes of this subparagraph, “**Beneficial Owner**” means any person who (i) has the power, directly or indirectly, to vote or consent with respect to, or to

dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (ii) is treated as the owner of any Bonds for federal income tax purposes.

## **Article IX Credit Enhancement Act**

The Board hereby covenants and obligates the District to be bound by and to use the provisions of Minnesota Statutes, Section 126C.55 (the “**Credit Enhancement Act**”) to guarantee payment of the principal of, the premium, if any, and the interest on the Bonds when due. The District shall comply with all procedures now or hereafter established by the Minnesota Department of Management and Budget and the Minnesota Department of Education pursuant to subdivision 2(c) of the Credit Enhancement Act and to take such actions as necessary to comply with the Credit Enhancement Act. The Chair of the Board, the Clerk of the District, and the superintendent and the business manager of the District are each authorized to execute any applicable forms of the Minnesota Department of Management and Budget or the Minnesota Department of Education. The Board understands and acknowledges that the provisions of the Credit Enhancement Act shall be binding on the District as long as any Bonds are outstanding.

The Board further covenants to deposit with the Registrar, at least three (3) business days prior to the date on which any payment of principal of, premium, if any, or interest on the Bonds is due, an amount sufficient to pay such payment. If the District believes it may be unable to pay the principal of, the premium, if any or the interest on the Bonds on the date any such payment is due, the District shall notify the Commissioner of the Department of Education as soon as possible, but not less than 15 business days before the date such payment is due. The District shall authorize and direct the Registrar to notify the Commissioner of the Department of Education if (i) the Registrar becomes aware of a potential payment default with respect to the Bonds or (ii) two (2) business days prior to the date a payment is due on the Bonds the Registrar does not have sufficient funds to make the payment due on such date.

## **Article X Defeasance**

The District may discharge its obligations with respect to any Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The District may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Registrar on or before that date an amount equal to the principal, interest and redemption premium, if any, which are then due, provided that notice of such redemption has been duly given as provided herein. The District may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited, bearing interest payable at such time and at such rates and maturing or callable at the holder’s option on such dates as shall be required to pay all principal and interest to

become due thereon to maturity or earlier designated redemption date. If any deposit is made more than ninety days before the maturity date or specified redemption date of the Bonds to be discharged, the District shall have received a written opinion of Bond Counsel to the effect that such deposit does not adversely affect the exemption of interest on any Bonds from federal income taxation and a written report of an accountant or investment banking firm verifying that the deposit is sufficient to pay when due all of the principal and interest on the Bonds to be discharged on and before their maturity dates or earlier designated redemption date. When all of the Bonds have been discharged as provided in this Article, all pledges, covenants and other rights granted by this Resolution to the registered owners of the Bonds shall cease.

**Article XI**  
**Authorization of Officers**

Without in any way limiting the power, authority, or discretion elsewhere herein granted or delegated, the Board hereby (a) authorizes and directs each officer, employee and agent of the District to carry out, or cause to be carried out, and to perform such obligations of the District and such other actions as they, or any one of them shall consider necessary, advisable, desirable, or appropriate in connection with this Resolution and the issuance, sale, and delivery of the Bonds, including, without limitation and whenever applicable, the execution and delivery thereof and of all other related documents, instruments, certificates, and opinions; and (b) delegates to each such officer, employee and agent the right, power, and authority to exercise her or his own independent judgment and absolute discretion in determining and finalizing the terms, provisions, form and contents of each of the foregoing. The execution and delivery by any such officer, employee or agent of the District of any such documents, instruments, certifications, and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this Resolution, shall constitute conclusive evidence of both the District's and their approval of all changes, modifications, amendments, revisions, and alterations made therein, and shall conclusively establish their absolute, unconditional, and irrevocable authority with respect thereto from the District and the authorization, approval, and ratification by the District of the documents, instruments, certifications, and opinions so executed and the action so taken.

\* \* \* \* \*

The motion was duly seconded by \_\_\_\_\_.

Upon vote taken on the foregoing resolution, the following voted in favor thereof:

\_\_\_\_\_  
\_\_\_\_\_;

the following voted against the same: \_\_\_\_\_;

and the following were absent or did not vote: \_\_\_\_\_.

Said Resolution having been voted upon favorably by a majority of the members of the Board,  
the same was by the Chairperson declared passed and adopted.

**EXHIBIT A-1**

**(FORM OF CURRENT INTEREST BOND)**

**UNITED STATES OF AMERICA  
STATE OF MINNESOTA**

**INDEPENDENT SCHOOL DISTRICT NO. 695  
(CHISHOLM PUBLIC SCHOOLS)**

**GENERAL OBLIGATION SCHOOL BUILDING BONDS, SERIES 2023A**

R- \_\_\_\_\_ \$ \_\_\_\_\_

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
_____%	February 1, 20__	February 13, 2023	

**REGISTERED OWNER:** CEDE & CO.

**PRINCIPAL AMOUNT:** \_\_\_\_\_ DOLLARS

**INDEPENDENT SCHOOL DISTRICT NO. 695 (CHISHOLM PUBLIC SCHOOLS), MINNESOTA**, a duly organized and existing independent school district, whose administrative offices are located in Chisholm, Minnesota (the “District”), promises to pay to the registered owner specified above, or registered assigns, the principal sum specified above on the maturity date specified above, and to pay interest thereon from the date of original issue specified above, or from the most recent interest payment date to which interest has been paid or duly provided for, at the annual rate specified above, payable on February 1 and August 1 in each year, commencing August 1, 2023, to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof at the principal office of the Registrar described below, the principal hereof, are payable in lawful money of the United States of America by check or draft drawn on U.S. Bank Trust Company, National Association in St. Paul, Minnesota, as bond registrar, transfer agent and paying agent, or its successor designated under the resolution described herein (the “Registrar”).

This Bond is issued in the aggregate original principal amount of \$31,999,047.90 (the “Bonds”), by the District to be used for the purposes of financing the costs of acquisition and betterment of school sites and facilities and to pay costs associated with issuance of the Bonds (collectively, the Project”), and is issued pursuant to and in full conformity with resolution adopted by the School Board on January 23, 2023 (the “Resolution”) and is issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Chapter 475. The Bonds are issuable only in fully registered form, in

denominations of \$5,000 or any integral multiple thereof, of single maturities. Capitalized terms used but not otherwise defined herein shall have the meanings given to such terms in the Resolution.

The Bonds are direct, general obligations of the District, to which the full faith, credit and resources and the taxing power of the District are irrevocably pledged. Pursuant to the Resolution, the District has covenanted to cause to be made annually a special levy of taxes on all the taxable property in the District, in addition to all other taxes, sufficient in rate and amount to produce sums not less than five percent in excess of the principal of and interest on the Bonds when due. The District has pledged such tax levy and all receipts therefrom to all payments due on the Bonds. The District has further covenanted to be bound by and to use the provisions of Minnesota Statutes, Section 126C.55 (the "Credit Enhancement Act") to guarantee payment of the principal of and the interest on the Bonds when due.

The District may elect on February 1, 2030, and on any day thereafter, to prepay Bonds due on or after February 1, 2031. Redemption may be in whole or in part and if in part at the option of the District and in such manner as the District shall determine. All Bonds shall be redeemed at a price of par plus accrued interest to the date of redemption.

Notice of redemption of this Bond shall be given to the Registered Owner hereof by first class mail, postage prepaid, not less than thirty (30) days prior to the date fixed for redemption (or such shorter period as may be acceptable to the then registered owner of the Bonds), all as more particularly set forth in the Bond Resolution; provided, however, that failure to give such notice by mailing, or any defect therein, shall not affect the validity of any proceeding for the redemption of any Bond with respect to which no such failure has occurred. Notice of redemption having been given as provided in the Bond Resolution, or notice of redemption having been waived, and funds for the payment thereof having been deposited with the Registrar, this Bond shall cease to bear interest from and after the date fixed for redemption.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the District at the principal office of the Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner's attorney, and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange, the District will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The District and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the District nor the Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the District.

**IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED** that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the District in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Bond, together with all other indebtedness of the District outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the District to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

**IN WITNESS WHEREOF**, Independent School District No. 695 (Chisholm Public Schools), Minnesota, by its School Board, has caused this Bond to be executed in its behalf by the facsimile signatures of the Chair of the Board and Clerk of the District, the District having no seal or said seal having been intentionally omitted as permitted by law.

**INDEPENDENT SCHOOL DISTRICT NO. 695  
(CHISHOLM PUBLIC SCHOOLS), MINNESOTA**

\_\_\_\_\_  
Chair of the Board

\_\_\_\_\_  
School District Clerk

**BOND REGISTRAR’S CERTIFICATE OF AUTHENTICATION**

This Bond is one of the Bonds described in the within mentioned Resolution.

Date of Authentication: February 13, 2023

**U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION**  
as Registrar and Paying Agent

By \_\_\_\_\_  
Authorized Signature

**ASSIGNMENT**

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_ the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated \_\_\_\_\_

\_\_\_\_\_

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

\_\_\_\_\_

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240 Ad-15(a)(2).

The Bond Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address:

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

\_\_\_\_\_  
(Include information for all joint owners if the Bond is held by joint account.)

Please insert Social Security or other Tax Identification Number of Transferee.

**EXHIBIT A-2**

**(FORM OF CAPITAL APPRECIATION BOND)**

**UNITED STATES OF AMERICA  
STATE OF MINNESOTA**

**INDEPENDENT SCHOOL DISTRICT NO. 695  
(CHISHOLM PUBLIC SCHOOLS)**

**GENERAL OBLIGATION SCHOOL BUILDING BONDS, SERIES 2023A**

R- \_\_\_\_\_ ORIGINAL PRINCIPAL AMOUNT: \$ \_\_\_\_\_  
ACCRETED AMOUNT AT MATURITY: \$ \_\_\_\_\_

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
_____%	February 1, 20__	February 13, 2023	

**REGISTERED OWNER:** CEDE & CO.

**ACCRETED AMOUNT  
AT MATURITY:** \_\_\_\_\_ DOLLARS

**INDEPENDENT SCHOOL DISTRICT NO. 695 (CHISHOLM PUBLIC SCHOOLS), STATE OF MINNESOTA**, a duly organized and existing independent school district, whose administrative offices are located in Chisholm Public Schools, Minnesota (the “District”), promises to pay to the registered owner specified above, or registered assigns, the accreted amount at maturity specified above, on the maturity date specified above, or if this Bond is redeemable as stated below, on a date prior thereto on which it shall have been duly called for redemption, said accreted amount being the original principal amount hereof with interest from the date of original issue stated above, accreted and payable with principal at maturity, at a rate which, when compounded on each February 1 and August 1 (the “interest compounding date”), commencing August 1, 2023, results in the accreted amount set forth for each such date in the table printed herein for the specified amount per \$5,000 accreted amount at maturity. Payment is subject to provisions for redemption of this Bond referred to below. The accreted amount is payable upon presentation and surrender hereof at the principal office of the Registrar described below, the accreted amount at maturity hereof, is payable in lawful money of the United States of America by check or draft drawn on U.S. Bank Trust Company, National Association in St. Paul, Minnesota, as bond registrar, transfer agent and paying agent, or its successor designated under the resolution described herein (the “Registrar”).

This Bond is one of an issue in the aggregate principal amount of \$31,999,047.90 (the “Bonds”), issued by the District to be used for the purposes of financing the costs of acquisition

and betterment of school sites and facilities (the Project”), and is issued pursuant to and in full conformity with resolution adopted by the School Board on January 23, 2023 (the “Resolution”) and is issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Chapter 475. The Bonds are issuable only in fully registered form, in denominations corresponding to Maturity Values of \$5,000 or any integral multiple thereof, of single maturities.

The Bonds are direct, general obligations of the District, to which the full faith, credit and resources and the taxing power of the District are irrevocably pledged. Pursuant to the Resolution, the District has covenanted to cause to be made annually a special levy of taxes on all the taxable property in the District, in addition to all other taxes, sufficient in rate and amount to produce sums not less than five percent in excess of the principal of and interest on the Bonds when due. The District has pledged such tax levy and all receipts therefrom to all payments due on the Bonds. The District has further covenanted to be bound by and to use the provisions of Minnesota Statutes, Section 126C.55 (the “Credit Enhancement Act”) to guarantee payment of the principal of and the interest on the Bonds when due.

The District may elect on February 1, 2030, and on any day thereafter, to prepay Bonds due on or after February 1, 2031 at a price equal to the accreted amount at the most recent interest compounding date and accrued interest to the date of redemption. Redemption may be in whole or in part and if in part at the option of the District and in such manner as the District shall determine. All Bonds shall be redeemed at a price equal to the accreted value as of the date of redemption.

Notice of redemption of this Bond shall be given to the Registered Owner hereof by first class mail, postage prepaid, not less than thirty (30) days prior to the date fixed for redemption (or such shorter period as may be acceptable to the then registered owner of the Bonds), all as more particularly set forth in the Bond Resolution; provided, however, that failure to give such notice by mailing, or any defect therein, shall not affect the validity of any proceeding for the redemption of any Bond with respect to which no such failure has occurred. Notice of redemption having been given as provided in the Bond Resolution, or notice of redemption having been waived, and funds for the payment thereof having been deposited with the Registrar, this Bond shall cease to bear interest from and after the date fixed for redemption.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the District at the principal office of the Registrar, by the registered owner hereof in person or by the owner’s attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner’s attorney, and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange, the District will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The District and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the District nor the Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the District.

**IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED** that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the District in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Bond, together with all other indebtedness of the District outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the District to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

**IN WITNESS WHEREOF**, Independent School District No. 695 (Chisholm Public Schools), Minnesota, by its School Board, has caused this Bond to be executed in its behalf by the facsimile signatures of the Chair of the Board and Clerk of the District, the District having no seal or said seal having been intentionally omitted as permitted by law.

**INDEPENDENT SCHOOL DISTRICT NO. 695  
(CHISHOLM PUBLIC SCHOOLS), MINNESOTA**

\_\_\_\_\_  
Chair of the Board

\_\_\_\_\_  
School District Clerk

**BOND REGISTRAR’S CERTIFICATE OF AUTHENTICATION**

This Bond is one of the Bonds described in the within mentioned Resolution.

Date of Authentication: February \_\_\_\_, 2023

**U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION**  
as Registrar and Paying Agent

By \_\_\_\_\_  
Authorized Signature

The accreted amounts of the Bonds of this issue maturing on February 1 in the years 2034 through 2043, together with the original principal amounts per \$5,000 accreted amounts at maturity are set forth below. The accreted amount as of any other date is the prorated amount between the next prior and next succeeding February 1 and August 1, being the dates of semiannual compounding of interest on the Bonds.

[BOND ACCREDITED VALUE TABLE TO BE ATTACHED – SEE EXHIBIT E]

**ASSIGNMENT**

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_ the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated \_\_\_\_\_

\_\_\_\_\_

NOTICE: The assignor’s signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

\_\_\_\_\_

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other “Eligible Guarantor Institution” as defined in 17 CFR 240 Ad-15(a)(2).

The Bond Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address:

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

\_\_\_\_\_  
(Include information for all joint owners if the Bond is held by joint account.)

Please insert Social Security or other Tax Identification Number of Transferee.

[Empty rectangular box for Social Security or Tax Identification Number]

**EXHIBIT B**

**BLANKET ISSUER LETTER OF REPRESENTATIONS**

**The Depository Trust Company**

A subsidiary of the Depository Trust & Clearing Corporation

**BLANKET ISSUER LETTER OF REPRESENTATIONS**

(To be completed by Issuer and Co-Issuer(s), if applicable)

\_\_\_\_\_  
(Name of Issuer and Co-Issuer(s), if applicable)

\_\_\_\_\_  
(Date)

**The Depository Trust Company**  
570 Washington Blvd, 4th FL  
Jersey City, NJ 07310  
Attention: Underwriting Department

Ladies and Gentlemen:

This letter sets forth our understanding with respect to all issues (the "Securities") that Issuer shall request to be made eligible for deposit by The Depository Trust Company ("DTC").

Issuer is: **(Note: Issuer shall represent one and cross out the other.)**

[incorporated in] [formed under the laws of] \_\_\_\_\_.

To induce DTC to accept the Securities as eligible for deposit at DTC, and to act in accordance with DTC's Rules with respect to the Securities, Issuer represents to DTC that issuer will comply with the requirements stated in DTC's Operational Arrangements, as they may be amended from time to time.

Very truly yours,

Note:  
Schedule A contains statements that DTC believes accurately describe DTC, the method of effecting book-entry transfers of securities distributed through DTC, and certain related matters.

\_\_\_\_\_  
(Issuer)

By: \_\_\_\_\_  
(Authorized Officer's Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City) (State) (Country) (Zip Code)

\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_  
(E-mail Address)



BLOR 06-2013

**EXHIBIT C**

**LEVY COMPUTATION SHEET**

<u>Levy Year</u>	<u>Collection Year</u>	<u>Amount</u>
2022	2023	\$ 960,487.50
2023	2024	1,687,087.50
2024	2025	1,690,342.50
2025	2026	1,696,327.50
2026	2027	2,156,227.50
2027	2028	3,646,387.50
2028	2029	3,646,177.50
2029	2030	3,646,387.50
2030	2031	3,646,387.50
2031	2032	3,643,762.50
2032	2033	3,255,000.00
2033	2034	2,777,250.00
2034	2035	2,777,250.00
2035	2036	2,777,250.00
2036	2037	2,777,250.00
2037	2038	2,772,000.00
2038	2039	2,772,000.00
2039	2040	2,772,000.00
2040	2041	2,772,000.00
2041	2042	2,772,000.00

## EXHIBIT D

### POST-ISSUANCE TAX COMPLIANCE PROCEDURES

#### General

In connection with the issuance of the Bonds, the District will execute a federal tax certificate (the “**Tax Certificate**”) that describes the requirements and provisions of the Code that must be followed in order to maintain the tax exempt status of interest on such bonds. In addition, the Tax Certificate will contain the reasonable expectations of the District at the time of issuance of the Bonds with respect to the use of the gross proceeds of such bonds and the assets to be financed or refinanced with the proceeds thereof. These Procedures supplement and support the covenants and representations made by the District in the Tax Certificate related to the Bonds. In order to comply with the covenants and representations set forth in the Bond documents and in the Tax Certificate, the District tracks and monitors the actual use of the proceeds of the Bonds, the investment and expenditure of the Bond proceeds and the assets financed or refinanced with the proceeds of such bonds over their life.

#### Designation of Responsible Person

The Clerk of the District shall maintain an inventory of Bonds and assets financed which contains the pertinent data to satisfy the District’s monitoring responsibilities. Any transfer, sale or other disposition of bond-financed assets must be reviewed and approved by the Clerk of the District.

#### Post-Issuance Compliance Requirements

##### External Advisors/Documentation

The District shall consult with bond counsel and other legal counsel and advisors, as needed, throughout the Bond issuance process to identify requirements and to establish procedures necessary or appropriate so that the Bonds will continue to qualify for tax-exempt status. Those requirements and procedures shall be documented in the Tax Certificate and/or other documents finalized at or before issuance of the Bonds. Those requirements and procedures shall include future compliance with applicable arbitrage rebate requirements and all other applicable post-issuance requirements of federal tax law throughout (and in some cases beyond) the term of the Bonds.

The District also shall consult with bond counsel and other legal counsel and advisors, as needed, following issuance of the Bonds to ensure that all applicable post-issuance requirements in fact are met. This shall include, without limitation, consultation in connection with future contracts with respect to the use of Bond-financed or refinanced assets.

The District shall train and employ or otherwise engage expert advisors (a “**Rebate Analyst**”) to assist in the calculation of arbitrage rebate payable in respect of the investment of

Bonds proceeds, unless the Tax Certificate documents that arbitrage rebate will not be applicable to the Bonds.

Unless otherwise provided by the resolution or other authorizing documents relating to the Bonds, unexpended Bond proceeds shall be held in a segregated account by a trustee, and the investment of Bond proceeds shall be managed by the District. The District shall prepare (or cause the trustee to prepare) regular, periodic statements regarding the investments and transactions involving Bond proceeds.

#### Arbitrage Rebate and Yield

Unless the Tax Certificate documents that arbitrage rebate will not be applicable to the Bonds, the District shall be responsible for:

- engaging the services of a Rebate Analyst and, prior to each rebate calculation date, causing the trustee or other account holder to deliver periodic statements concerning the investment of Bond proceeds to the Rebate Analyst;
- providing to the Rebate Analyst additional documents and information reasonably requested by the Rebate Analyst;
- monitoring efforts of the Rebate Analyst;
- assuring payment of required rebate amounts, if any, no later than 60 days after each 5-year anniversary of the issue date of the Bonds, and no later than 60 days after the last Bond is redeemed;
- during the construction period of each capital project financed in whole or in part by the Bonds, monitoring the investment and expenditure of Bond proceeds and consulting with the Rebate Analyst to determine compliance with any applicable exceptions from the arbitrage rebate requirements during each 6-month spending period up to 6 months, 18 months or 24 months, as applicable, following the issue date of the Bonds; and
- retaining copies of all arbitrage reports and account statements as described below under “Record Keeping Requirements”.

The District, in the Tax Certificate and/or other documents finalized at or before the issuance of the Bonds, has agreed to undertake the tasks listed above (unless the Tax Certificate documents that arbitrage rebate will not be applicable to an issue of the Bonds).

#### Use of Bond Proceeds and Bond-Financed or Refinanced Assets:

The District shall be responsible for:

- monitoring the use of Bond proceeds and the use of Bond-financed or refinanced assets (*e.g.*, facilities, furnishings or equipment) throughout the term of the bonds to ensure compliance with covenants and restrictions set forth in the Tax Certificate;
- maintaining records identifying the assets or portion of assets that are financed or refinanced with proceeds of the bonds, including a final allocation of Bond proceeds as described below under “Record Keeping Requirements”;
- consulting with bond counsel and other legal counsel and advisers in the review of any contracts or arrangements involving use of Bond-financed or refinanced assets to ensure compliance with all covenants and restrictions set forth in the Tax Certificate;
- maintaining records for any contracts or arrangements involving the use of Bond-financed or refinanced assets as described below under “Record Keeping Requirements”;
- conferring at least annually with personnel responsible for Bond-financed or refinanced assets to identify and discuss any existing or planned use of Bond-financed or refinanced assets, to ensure that those uses are consistent with all covenants and restrictions set forth in the Tax Certificate; and
- to the extent that the District discovers that any applicable tax restrictions regarding use of Bond proceeds and bond-financed or refinanced assets will or may be violated, consulting promptly with Bond counsel and other legal counsel and advisers to determine a course of action to remediate all nonqualified bonds, if such counsel advises that a remedial action is necessary.

The District, in the Tax Certificate and/or other documents finalized at or before the issuance of the Bonds, has agreed to undertake the tasks listed above.

All relevant records and contracts shall be maintained as described below.

#### Record Keeping Requirement

The District shall be responsible for maintaining the following documents for the term of the Bonds (including refunding bonds, if any) plus at least three years:

- a copy of the Bond closing transcript(s) and other relevant documentation delivered to the District at or in connection with closing of the issue of the Bonds, including any elections made by the District in connection therewith;
- a copy of all material documents relating to capital expenditures financed or refinanced by Bond proceeds, including (without limitation) construction contracts, purchase orders, invoices, trustee requisitions and payment records, draw requests for Bond proceeds and evidence as to the amount and date for each draw down of Bond proceeds, as well as documents relating to costs paid or reimbursed with Bond proceeds and records identifying

the assets or portion of assets that are financed or refinanced with Bond proceeds, including a final allocation of Bond proceeds;

- a copy of all contracts and arrangements involving the use of Bond-financed or refinanced assets;
- copies of all trustee statements and reports, including arbitrage reports, prepared with respect to District bonds; and
- a copy of all records of investments, investment agreements, arbitrage reports and underlying documents, including trustee statements, in connection with any investment agreements, and copies of all bidding documents, if any.

**EXHIBIT E**

**[Attached]**

**BOND ACCRETED VALUE TABLE**

**Independent School District No. 695, (Chisholm Public Schools) Minnesota  
General Obligation School Building Bonds, Series 2023A (CABs)  
Callable 2/1/30 or any date thereafter at Par  
FINAL NUMBERS**

<b>Date</b>	<b>CABs 02/01/2034 3.83%</b>	<b>CABs 02/01/2035 4.01%</b>	<b>CABs 02/01/2036 4.24%</b>	<b>CABs 02/01/2037 4.37%</b>	<b>CABs 02/01/2038 4.47%</b>	<b>CABs 02/01/2039 4.52%</b>	<b>CABs 02/01/2040 4.56%</b>	<b>CABs 02/01/2041 4.59%</b>	<b>CABs 02/01/2042 4.61%</b>	<b>CABs 02/01/2043 4.64%</b>
02/13/2023	3,298.20	3,109.05	2,901.95	2,733.70	2,580.00	2,449.20	2,326.65	2,212.40	2,106.40	2,000.80
08/01/2023	3,357.10	3,167.20	2,959.35	2,789.40	2,633.75	2,500.85	2,376.15	2,259.75	2,151.70	2,044.10
02/01/2024	3,421.40	3,230.70	3,022.10	2,850.35	2,692.65	2,557.35	2,430.30	2,311.60	2,201.30	2,091.55
08/01/2024	3,486.95	3,295.45	3,086.15	2,912.65	2,752.80	2,615.15	2,485.75	2,364.65	2,252.05	2,140.05
02/01/2025	3,553.70	3,361.55	3,151.60	2,976.30	2,814.35	2,674.25	2,542.40	2,418.95	2,303.95	2,189.70
08/01/2025	3,621.75	3,428.95	3,218.40	3,041.30	2,877.25	2,734.70	2,600.35	2,474.45	2,357.05	2,240.50
02/01/2026	3,691.10	3,497.70	3,286.65	3,107.75	2,941.55	2,796.50	2,659.65	2,531.25	2,411.40	2,292.50
08/01/2026	3,761.80	3,567.80	3,356.30	3,175.70	3,007.30	2,859.70	2,720.30	2,589.35	2,466.95	2,345.65
02/01/2027	3,833.85	3,639.35	3,427.45	3,245.05	3,074.50	2,924.35	2,782.30	2,648.75	2,523.85	2,400.10
08/01/2027	3,907.25	3,712.30	3,500.10	3,315.95	3,143.20	2,990.45	2,845.75	2,709.55	2,582.00	2,455.80
02/01/2028	3,982.10	3,786.75	3,574.35	3,388.45	3,213.45	3,058.00	2,910.65	2,771.75	2,641.50	2,512.75
08/01/2028	4,058.35	3,862.70	3,650.10	3,462.45	3,285.30	3,127.10	2,977.00	2,835.35	2,702.40	2,571.05
02/01/2029	4,136.05	3,940.10	3,727.50	3,538.10	3,358.70	3,197.80	3,044.90	2,900.40	2,764.70	2,630.70
08/01/2029	4,215.25	4,019.10	3,806.50	3,615.45	3,433.80	3,270.05	3,114.30	2,967.00	2,828.45	2,691.75
02/01/2030	4,296.00	4,099.70	3,887.20	3,694.45	3,510.55	3,343.95	3,185.30	3,035.10	2,893.60	2,754.20
08/01/2030	4,378.25	4,181.90	3,969.60	3,775.15	3,589.00	3,419.55	3,257.95	3,104.75	2,960.30	2,818.10
02/01/2031	4,462.10	4,265.75	4,053.75	3,857.65	3,669.20	3,496.85	3,332.20	3,176.00	3,028.55	2,883.45
08/01/2031	4,547.55	4,351.30	4,139.70	3,941.95	3,751.20	3,575.85	3,408.20	3,248.85	3,098.35	2,950.35
02/01/2032	4,634.65	4,438.55	4,227.45	4,028.05	3,835.05	3,656.65	3,485.90	3,323.45	3,169.80	3,018.80
08/01/2032	4,723.40	4,527.50	4,317.10	4,116.05	3,920.75	3,739.30	3,565.40	3,399.70	3,242.85	3,088.85
02/01/2033	4,813.85	4,618.30	4,408.60	4,206.00	4,008.40	3,823.80	3,646.65	3,477.75	3,317.60	3,160.50
08/01/2033	4,906.00	4,710.90	4,502.10	4,297.90	4,098.00	3,910.25	3,729.80	3,557.55	3,394.05	3,233.85
02/01/2034	5,000.00	4,805.35	4,597.55	4,391.80	4,189.60	3,998.60	3,814.85	3,639.20	3,472.30	3,308.85
08/01/2034		4,901.70	4,695.00	4,487.80	4,283.20	4,089.00	3,901.85	3,722.70	3,552.35	3,385.60
02/01/2035		5,000.00	4,794.55	4,585.85	4,378.95	4,181.40	3,990.80	3,808.15	3,634.20	3,464.15
08/01/2035			4,896.20	4,686.05	4,476.80	4,275.90	4,081.80	3,895.55	3,718.00	3,544.55
02/01/2036			5,000.00	4,788.45	4,576.90	4,372.55	4,174.85	3,984.95	3,803.70	3,626.75
08/01/2036				4,893.05	4,679.15	4,471.35	4,270.05	4,076.40	3,891.35	3,710.90
02/01/2037				5,000.00	4,783.75	4,572.40	4,367.40	4,169.95	3,981.05	3,797.00
08/01/2037					4,890.65	4,675.75	4,467.00	4,265.65	4,072.80	3,885.10
02/01/2038					5,000.00	4,781.40	4,568.85	4,363.55	4,166.70	3,975.25
08/01/2038						4,889.45	4,673.00	4,463.70	4,262.75	4,067.45
02/01/2039							5,000.00	4,779.55	4,566.15	4,361.00
08/01/2039								4,888.50	4,670.95	4,461.50
02/01/2040								5,000.00	4,778.15	4,564.35
08/01/2040									4,887.80	4,669.55
02/01/2041									5,000.00	4,777.20
08/01/2041										4,887.30
02/01/2042										5,000.00
08/01/2042										4,886.60
02/01/2043										5,000.00

**Proposal for Contracted Services**

**Description of Services:**

Assist the Chisholm School District (ISD #695) with the planning and implementation of the 2022 voter approved referendum and other facility related projects as requested. This would include, but not be limited to, working with InGensa on all items identified in the passage of the November 2022 bond, a bus garage and activities/athletic fields.

Under the direction of the Superintendent, services could also be performed in the areas of IRRRB funding, onboarding of finance office staff or miscellaneous tasks as requested.

**Schedule:**

Effective date as indicated on the Proposal for Contracted Services Agreement to completion of the services identified in this proposal.

In the event this agreement needs to be canceled prior to the completion of the services identified, a two week written notice shall be provided by either party.

**Pricing:**

An hourly rate of seventy-five dollars per hour (\$75.00) not to exceed ten hours per week or forty hours a month, whichever is greater. Prior approval for additional time will be sought from the district in the event a task is unable to be achieved within the established timeframe.

If travel is requested, the District will reimburse mileage at the standard Internal Revenue Service mileage rate. The District will also pay a rate of thirty dollars per hour (\$30.00) in travel time. This time will not be included in the previously approved maximum hour calculation.

The Parties have, by their duly authorized officers, executed this Contracted Services Agreement as of the effective date set forth below.

**Chisholm Public Schools**

**Kristen Hoheisel**

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

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

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

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

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

ISD 695 23-24

Chisholm Public Schools

Aug	3			4			5						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
		1	2	3	4	5							
6	7	8	9	10	11	12							
13	14	15	16	17	18	19							
20	21	22	23	24	25	26							
27	28	29	30	31									

Sept	4			5			6						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
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3	4	5	6	7	8	9							
10	11	12	13	14	15	16							
17	18	19	20	21	22	23							
24	25	26	27	28	29	30							

Oct	4			5			6						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
1	2	3	4	5	6	7							
8	9	10	11	12	13	14							
15	16	17	18	19	20	21							
22	23	24	25	26	27	28							
29	30	31											

Open House

First/Last day students

Early Release

School Closed/Holiday

Last day of Quarter

No students/Teacher Inservice

Teacher Conferences/No Students

Nov	5			6			7						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
		1	2	3	4								
5	6	7	8	9	10	11							
12	13	14	15	16	17	18							
19	20	21	22	23	24	25							
26	27	28	29	30									

Dec	3			4			5						
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24	25	26	27	28	29	30							
31													

Jan	5			6			7						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
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7	8	9	10	11	12	13							
14	15	16	17	18	19	20							
21	22	23	24	25	26	27							
28	29	30	31										

Term 1 Sept 5-Nov 3 (42 days)

Term 2 Nov 6-Jan 19 (44 days)

Term 3 Jan 22-March 29 (45 days)

Term 4 April 2-May 30 (42 days)

Feb	4			5			6						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
					1	2							
4	5	6	7	8	9	10							
11	12	13	14	15	16	17							
18	19	20	21	22	23	24							
25	26	27	28	29									

March	4			5			6						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
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24	25	26	27	28	29	30							
31													

April	4			5			6						
Su	M	T	W	Th	F	S	Su	M	T	W	Th	F	S
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28	29	30											

May	5			6			7						
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26	27	28	29	30	31								

June	5			6			7						
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23	24	25	26	27	28	29							
29	30												

July	5			6			7						
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28	29	30	31										

## FORM B2

### RESOLUTION OF SCHOOL BOARD/GOVERNING BOARD SUPPORTING FORM B2 APPLICATION TO MINNESOTA STATE HIGH SCHOOL LEAGUE FOUNDATION

WHEREAS, the Minnesota State High School League Foundation was formed to provide support for Minnesota's high school youth to participate in athletics and fine arts;

WHEREAS, the Governing Board of Chisholm High School recognizes the value of student participation in extracurricular activities; and

WHEREAS, the MSHSL Foundation is offering grants and funding to assist schools to provide seminars/training opportunities or support for specific school functions for students/faculty members/officials and others who are involved in athletic and fine arts programs.

THEREFORE, BE IT RESOLVED, that the Governing Board of Chisholm High School supports the school's application to the Minnesota State High School League Foundation for a **FORM B2** grant to offset costs in three specific areas including leadership initiatives, safety and transportation that reduces barriers to participation.

Robert Rahja

Date

\_\_\_\_\_  
Board Chair

Danielle Randa-Sauter

Date

\_\_\_\_\_  
Board Clerk - Treasurer

**A RESOLUTION submitted by an Activity Conference or Region Committee must adhere to the same form and context of the School Board Resolution above.**

Adopted: \_\_\_\_\_ MSBA/MASA Model Policy 401

Orig. 1995

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

Rev. 2022

## 401 EQUAL EMPLOYMENT OPPORTUNITY

Chisholm Public Schools Independent School District No. 695

Board Policy 401

Series: 400-Employees/Personnel

Subject: 410 Equal Employment Opportunity

Adopted/Revised:

***[Note: School districts are not required by statute to have a policy addressing these issues. However, the Equal Employment Opportunity Commission strongly encourages the adoption of a policy and will look for such a policy during accreditation visits, audits, or investigations.]***

### I. PURPOSE

The purpose of this policy is to provide equal employment opportunity for all applicants for school district employment and for all school district employees.

### II. GENERAL STATEMENT OF POLICY

A. The policy of the school district is to provide equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status. The school district also makes reasonable accommodations for disabled employees.

***[Note: The Minnesota Human Rights Act defines "sexual orientation" to include "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness." Minnesota Statutes section 363A.03, subdivision 44.]***

B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's policy on harassment and violence.

C. This policy applies to all areas of employment, including hiring, discharge, promotion, compensation, facilities, or privileges of employment.

D. Every school district employee shall be responsible for following this policy.

E. Any person having a question regarding this policy should discuss it with the Superintendent of Schools \_\_\_\_\_ (specify, e.g., the Personnel Manager).

**Legal References:** Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)  
29 U.S.C. § 2615 (Family and Medical Leave Act)  
38 U.S.C. § 4211 *et seq.* (Employment and Training of Veterans)  
38 U.S.C. § 4301 *et seq.* (Employment and Reemployment Rights of Members of the Uniformed Services)  
42 U.S.C. § 2000e *et seq.* (Equal Employment Opportunities; Title VII of the Civil Rights Act)  
42 U.S.C. § 12101 *et seq.* (Equal Opportunity for Individuals with Disabilities)

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)  
MSBA/MASA Model Policy 405 (Veteran's Preference)  
MSBA/MASA Model Policy 413 (Harassment and Violence)

Adopted: \_\_\_\_\_ MSBA/MASA Model Policy 402

Orig. 1995

Revised: \_\_\_\_\_ Rev. 2015/2022

## **402 DISABILITY NONDISCRIMINATION POLICY**

Chisholm Public Schools Independent School District No. 695

Board Policy 402

Series: 400-Employees/Personnel

Subject: 402 Disability Nondiscrimination Policy

Adopted/Revised: January 23, 2023

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

### **I. PURPOSE**

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

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

- A. The school district shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school district shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact Adrian Norman, Superintendent of Schools, 300 SW 3<sup>rd</sup> Avenue, Chisholm MN 55719, 218-254-5726, anorman@chisholm.k12.mn.us ~~(list the name, title, office address, telephone number, and e-mail address).~~ This individual is the school district's appointed ADA/Section 504 coordinator.

**Legal References:** Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
29 U.S.C. § 794 *et seq.* (~~Section 504 of the~~ Rehabilitation Act of 1973, ~~§ 504~~)  
42 U.S.C., ~~Ch. 126~~ § 1211~~201~~ (Americans with Disabilities Act)  
29 C.F.R. Part 32 (~~Nondiscrimination on the Basis of Handicap in Programs or~~)

[Activities Receiving Federal Financial Assistance\)](#)

[34 C.F.R. Part 35](#)

[34 C.F.R. Part 104 \(Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance\)](#)

**Cross References:**

[MSBA/MASA Model Policy 413 \(Harassment and Violence\)](#)

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

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

Chisholm Public Schools Independent School District No. 695

Board Policy 403

Series: 400-Employees/Personnel

Subject: 403 Discipline, Suspension, and Dismissal of School District Employees

Adopted/Revised:

## **I. PURPOSE**

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

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

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

## **III. DISCIPLINE**

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

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

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

### **B. Substandard Performance**

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

### **C. Misconduct**

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

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

**IV. FORMS OF DISCIPLINE**

- A. The forms of discipline that may be imposed by the school district include, but are not limited to:
  1. oral warning;
  2. written warning or reprimand;
  3. probation;
  4. disciplinary suspension, demotion or leave of absence with pay;
  5. disciplinary suspension, demotion or leave of absence without pay; and
  6. dismissal/termination or discharge from employment.

- B. Other forms of discipline, including any combination of the forms described in Paragraph A., above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school district's objective of stopping or correcting the offending conduct and improving the employee's performance.

**V. PROCEDURES FOR ADMINISTERING POLICY**

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

**Legal References:** Minn. Stat. § 122A.40 (Employment; Contracts; Termination)  
Minn. Stat. § 122A.41 (Teacher Tenure Act; Cities of the First Class)  
Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)  
Minn. Stat. § 122A.58 (Coaches; Termination of Duties)  
Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School Districts)  
Minn. Stat. § 123B.143 (Superintendent)  
Minn. Stat. § 123B.147 (Principals)  
Minn. Stat. § 197.46 *et seq.* (Veterans Preference Act)

**Cross References:** None

## **404 EMPLOYMENT BACKGROUND CHECKS**

Chisholm Public Schools Independent School District No. 695

Board Policy 404

Series: 400-Employee/Personnel

Subject: 404 Employment Background Checks

Adopted/Revised:

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

### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for applicants who receive an offer of employment with the school district and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school district may also elect to do background checks of other volunteers, independent contractors, and student employees in the school district.

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

- A. The school district shall require that applicants for school district positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees.

### **III. PROCEDURES**

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant or allow an individual to provide services pending completion of the background check but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minnesota Statutes

section 13.87. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to the school district, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school district with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.

***[Note: If the school district elects to receive payment, it may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and then pay the superintendent of the BCA directly to conduct the background check.]***

- C. The school district, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the Minnesota Commissioner of Education within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
  2. the other school hiring authority conducted a criminal background check within the previous 12 months;
  3. the individual executes a written consent form giving the school district access to the results of the check; and
  4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all nonstate residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, the school district shall request a criminal history background check on such individuals from the superintendent of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district. Such individuals must provide an executed criminal history consent form.

- F. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- J. The school district may apply these procedures to other volunteers, independent contractors, or student employees.
- K. At the beginning of each school year or when a student enrolls, the school district will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the school district's discretion in requiring a background check. The school district may include this notice in its student handbook, a school policy guide, or other similar communication. A form notice for this purpose is included with this policy.

#### **IV. CRIMINAL HISTORY CONSENT FORM**

A form to obtain consent for a criminal history background check is included with this policy.

**Legal References:** Minn. Stat. § 13.04, Subd. 4 (Rights of Subjects of Data)  
Minn. Stat. § 13.87, Subd. 1 (Criminal Justice Data)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act)  
Minn. Stat. § 364.09(b) (Exception for School Districts)

**Cross References:** None

Adopted: \_\_\_\_\_ MSBA/MASA Model Policy 405  
Orig. 1995  
Revised: \_\_\_\_\_ Rev. 2016

## **405 VETERAN'S PREFERENCE**

Chisholm Public Schools Independent School District No. 695

Board Policy 405

Series: 400-Employees/Personnel

Subject: 405 Veteran's Preference

Adopted/Revised:

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

### **I. PURPOSE**

The purpose of this policy is to comply with the Minnesota Veterans Preference Act (VPA) which provides preference points for veterans applying for employment with political subdivisions, including school districts, as well as additional rights for veterans in the discharge process.

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

- A. The school district's policy is to comply with the VPA regarding veteran's preference rights and mandated preference points to veterans and spouses of deceased veterans or disabled veterans.
- B. The school district's policy is also to comply with the VPA requirement that no covered veteran may be removed from public employment except for incompetency or misconduct shown after a hearing upon due notice, upon stated charges, and in writing. This paragraph does not apply to the position of teacher.
- C. Veteran's preference points will be applied pursuant to applicable law as follows:
  - 1. A credit of ten points shall be added to the competitive open examination rating of a non-disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
  - 2. A credit of fifteen points shall be added to the competitive open examination rating of a disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
  - 3. A credit of five points shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, provided that (a) the veteran obtained a passing rating on the examination without the addition of the credit points and (b) the veteran is applying for a first promotion after securing public employment.
  - 4. A preference may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.
- D. Eligibility for and application of veteran's preference, the definition of a veteran, and the

definition of a disabled veteran for purposes of this policy will be pursuant to the VPA.

- E. When notifying applicants that they have been accepted into the selection process, the school district shall notify applicants that they may elect to use veteran's preference.
- F. The school district's policy is to use a 100-point hiring system to enable allocation of veteran's preference points. The school district may or may not use a 100-point hiring system for filling teaching positions. If a 100-point hiring system is not used for filling a teaching position, preference points will not be added, but all veteran applicants who have proper licensure for the teaching position will be granted an interview for the position.
- G. If the school district rejects a member of the finalist pool who has claimed veteran's preference, the school district shall notify the finalist in writing of the reasons for the rejection and file the notice with the school district's Superintendent-personnel officer.

***[Note: A school district may require a veteran to complete an initial hiring probationary period as defined in Minnesota Statutes section 43A.16.]***

- H. In accordance with the VPA, no honorably discharged veteran shall be removed from a position of employment except for incompetency, misconduct, or good faith abolishment of position.
  - 1. Incompetency or misconduct must be shown after a hearing, upon due notice, upon stated charges, in writing.
  - 2. A veteran must irrevocably elect to be governed either by the VPA or by arbitration provisions set forth in a collective bargaining agreement in the event of a discharge.
- I. The VPA and the provisions of this policy do not apply to the position of private secretary, superintendent, head of a department, or any person holding a strictly confidential relation to the school board or school district. The VPA and the provisions of this policy apply to teachers only with respect to the hiring process, as set forth in Paragraph F., above.

**Legal References:** Minn. Stat. § 43A.11 (Veteran's Preference)  
Minn. Stat. § 197.455 (Veteran's Preference Applied)  
Minn. Stat. § 197.46 (Veterans Preference Act)  
*Hall v. City of Champlin*, 463 N.W.2d 502 (Minn. 1990)  
*Young v. City of Duluth*, 410 N.W.2d 27 (Minn. Ct. App. 1987)

**Cross References:** MSBA/MASA Model Policy 401 (Equal Employment Opportunity)

Adopted: \_\_\_\_\_ MSBA/MASA Model Policy 406  
Orig. 1995  
Revised: \_\_\_\_\_ Rev. 2014/2021

## **406 PUBLIC AND PRIVATE PERSONNEL DATA**

Chisholm Public Schools Independent School District No. 695

Board Policy 406  
Series: 400-Employees/Personnel  
Subject: 406 Public and Private Personnel Data  
Adopted/Revised: January 23, 2023

***[Note: The provisions of this policy accurately reflect the Minnesota Government Data Practices Act and are not discretionary in nature.]***

### **I. PURPOSE**

The purpose of this policy is to provide guidance to school district employees as to the data the school district collects and maintains regarding its personnel, employees, volunteers, independent contractors, and applicants ("personnel").

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

- A. All data on individuals collected, created, received, maintained, or disseminated by the school district, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school district.
- B. All other data on individuals is private or confidential.

### **III. DEFINITIONS**

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is not public and is available-accessible only to the following: the subject of the data, as limited by any applicable state or federal law; individuals within the school district whose work assignments reasonably require access; entities and agencies as determined by the responsible authority who are authorized by law to gain access to that specific data; and entities or individuals given access by the express written direction of the data subject.
- C. "Confidential" means the data isare not public and isare not available-accessible to the subject.
- D. "Parking space leasing data" means the following government data on an applicant-tion for, or lessee ase-of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.
- E. "Personnel data" means government data on individuals maintained because they are or were employees of the school district, applicants for employment, or volunteers or independent contractors for the school district, or members of or applicants for an advisory board or commission. Personnel data include data submitted by an employee

to the school district ~~by an employee~~ as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or to improve school district operations. ~~An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.~~

- F. "Finalist" means an individual who is selected to be interviewed by the school board for a position.
- G. "Protected health information" means individually identifiable health information as defined in 45 Code of Federal Regulations section 160.103, that is transmitted in electronic form by a school district acting as a by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium by a health care provider, in connection with a transaction covered by 45 Code of Federal Regulations Parts 160, 162, and 164. "Protected health information" excludes individually identifiable health information in education records covered by the ~~federal~~ Family Educational Rights and Privacy Act, ~~and~~ employment records held by a school district in its role as employer; and records regarding a person who has been deceased for more than fifty (50) years.
- H. "Public officials" means business managers; human resource directors; athletic directors whose duties include at least fifty (50) percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals and in a charter school, individuals employed in comparable positions.

#### **IV. PUBLIC PERSONNEL DATA**

- A. The following information on current and former employees, ~~including~~ volunteers and independent contractors of the school district, is public:
1. name;
  2. employee identification number, which may not be the employee's ~~s~~ Social Security number;
  3. actual gross salary;
  4. salary range;
  5. terms and conditions of employment relationship;
  6. contract fees;
  7. actual gross pension;
  8. the value and nature of employer-paid fringe benefits;
  9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
  10. job title;
  11. bargaining unit;

12. job description;
13. education and training background;
14. previous work experience;
15. date of first and last employment;
16. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
17. the final disposition of any disciplinary action, as defined in Minnesota Statutes, section § 13.43, sSubdivision. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district;
18. the complete terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
19. work location;
20. work telephone number;
21. badge number;
22. work-related continuing education;
23. honors and awards received; and
24. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

B. The following information on current and former applicants for employment by the school district is public:

1. veteran status;
2. relevant test scores;
3. rank on eligible list;
4. job history;
5. education and training; and
6. work availability.

C. Names of applicants are private data except when certified as eligible for appointment

to a vacancy or when ~~they~~applicants are considered by the school board to be become finalists for ~~a~~public employment ~~position~~.

D. Applicants for appointment to a public body.

1. Data about applicants for appointment to a public body collected by the school district as a result of the applicant's application for employment are private data on individuals except that the following are public:

- a. name;
- b. city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
- c. education and training;
- d. employment history;
- e. volunteer work;
- f. awards and honors;
- g. prior government service;
- h. any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minn.esota Statutes, section-§ 15.0597; and
- i. veteran status.

2. Once an individual is appointed to a public body, the following additional items of data are public:

- a. residential address;
- b. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
- c. first and last dates of service on the public body;
- d. the existence and status of any complaints or charges against an appointee; and
- e. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.

3. Notwithstanding paragraph 2., any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

E. Regardless of whether there has been a final disposition as defined in Minneapolis Statutes, section-§ 13.43, sSubdivision- 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minnesota, Statutes, -§section 13.43, Ssubdivision- 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

~~F.~~ Data relating to a complaint or charge against a public official is public only if:

~~(1.)~~ the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or

~~(2.)~~ potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement.

Data that is classified as private under another law is not made public by this provision.

## V. PRIVATE PERSONNEL DATA

A. All other personnel data not listed in Section IV are private ~~and will only be shared with school district staff whose work requires such access. Private~~ data will not be otherwise released unless authorized by law ~~or by the employee's informed written consent.~~

B. Data pertaining to an employee's dependents are private data on individuals.

C. Data created, collected, or maintained by the school district to administer employee assistance programs are private.

D. Parking space leasing data with regard to data on individuals are private.

E. An individual's checking account number is private when submitted to a government entity.

F. Personnel data may be disseminated to labor organizations to the extent the responsible authority school district determines it is the dissemination is necessary for the labor organization to conduct its business selections, notify employees of fair share fee assessments and implement the provisions of Minnesota Statutes chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and the Bureau of Mediation Services ("BMS") to the extent the dissemination is or when ordered or authorized by the Commissioner of the ~~Bureau of Mediation Services~~ BMS.

G. The school district may display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee.

H. The school district may, if the its responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:

1. the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;

2. a pre-petition screening team conducting an investigation of the employee under ~~Minnesota Statutes section~~ § 253B.07, Ssubdivision 1; or

3. a court, law enforcement agency, or prosecuting authority.

I. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime committed by an

employee.

- J. A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.
- K. When allegations of sexual or other types of harassment are made against an employee, the employee ~~shall~~does not have access to data that would identify the complainant or other witnesses if the ~~school district~~responsible authority determines that the employee's access to that data would:
1. threaten the personal safety of the complainant or a witness; or
  2. subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

- L. The school district ~~shall~~must make any report to the Minnesota Professional Educator Licensing and Standards Board ("PELSB") or ~~the state board of education the Board of School Administrators~~ ("BOSA"), whichever has jurisdiction over the teacher's or administrator's license, as required by ~~Minnesota Statutes, section~~ § 122A.20, ~~S~~subdivision 2, and shall, upon written request from the licensing board having jurisdiction over the a teacher's license, provide the licensing board with information about the teacher or administrator from the school district's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with ~~Minnesota Statutes, section~~ § 122A.20, ~~S~~subdivision 2.

**[Note: The obligation to make a report set forth in this section applies equally to charter school boards and their executive directors and charter school authorizers.]**

- M. Private personnel data shall be disclosed to the ~~d~~eDepartment of Employment and Economic security Development for the purpose of administration of the unemployment insurance program under ~~Minnesota Statutes, chapter~~Ch. 268.
- N. When a report of alleged maltreatment of a student in an elementary, middle school, high school or charter school facility, as defined under Minn. Stat. section 260E.03, is made to the Commissioner of the Minnesota Department of Education ("MDE") under Minnesota Statutes chapter 260E, data that are relevant and collected by the school facility about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of informing-providing information to a parent, legal guardian, or custodian of a child in accordance with MDE Screening Guidelines~~that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.~~
- O. The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if
1. an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or

2. \_\_\_\_\_ the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minnesota. Statutes. ~~Ch~~chapter. 13.

\_\_\_\_\_ Data that are released under this paragraph must not include data on the student.

- P. ~~The identity of an employee making a suggestion as part of an organized self-evaluation effort by the school district to cut costs, make the school district more efficient, or to improve school district operations is private. Data submitted by an employee to the school district as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or improve the school district operations is private data. An employee who is identified in a suggestion, however, shall have access to all data in the suggestion except the identity of the employee making the suggestion.~~
- Q. ~~Protected Hhealth information, as defined in 45 Code of Federal Regulations Parts 160 and 164, on employees is private and will not be disclosed \_except as permitted or required unless otherwise provided\_ by law. \_To the extent that the school district transmits protected health information, the school district will comply with all privacy requirements.~~
- R. Personal home contact information for employees may be used by the school district to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of school district operations \_and may be shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.
- S. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- T. When a continuing contract teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual offenses involving a child as set forth in Minnesota Statutes, section 122A.40, subdivision 13(b), ~~or sexual abuse~~ or when the Commissioner of the ~~Minnesota Department of Education (MDE)~~ makes a final determination of child maltreatment involving a teacher under Minnesota Statutes, section 260E.21, subdivision 4, or 260E.35, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under ~~Minnesota~~. Statutes, section § 13.41, Ssubdivision. 5, and must provide the Minnesota Professional Educator Licensing and Standards Board (PELSB) and the ~~licensing division~~ at MDE with the necessary and relevant information to enable the Minnesota Professional Educator Licensing and Standards Board PELSB and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, suspending, or revoking a teacher's license. In addition to the background check required under ~~Minnesota~~. Statutes, section § 123B.03, a school board or other school hiring authority must contact the Minnesota Professional Educator Licensing and Standards Board PELSB

and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

## VI. MULTIPLE CLASSIFICATIONS

If data on individuals are classified as both private and confidential by ~~Minnesota Statutes Chapter~~ 13, or any other state or federal law, the data are private.

## VII. CHANGE IN CLASSIFICATIONS

The school district shall change the classification of data in its possession if it is required to do so to comply with ~~either~~ judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

## VIII. RESPONSIBLE AUTHORITY

The school district has designated *[name and title, telephone]* as the authority responsible for personnel data.

The responsible authority, or a school district employee if so designated, shall serve as the school district's data practices compliance official and, as such, shall be the employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.

~~If you have any questions, contact [him/her].~~

## IX. EMPLOYEE AUTHORIZATION/RELEASE FORM

An employee authorization form is included as an addendum to this policy.

### **Legal References:**

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

Minn. Stat. § 13.02 (Definitions)

Minn. Stat. § 13.03 (Access to Government Data)

Minn. Stat. § 13.05 (Duties of Responsible Authority)

Minn. Stat. § 13.37 (General Nonpublic Data)

Minn. Stat. § 13.39 (Civil Investigation-~~Data~~)

Minn. Stat. § 13.41 (Licensing Data-)

Minn. Stat. § 13.43 (Personnel Data)

Minn. Stat. § 13.601, Subd. 3 (Elected and Appointed Officials)

Minn. Stat. § 15.0597 (Appointment to Multimember Agencies)

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

Minn. Stat. § 122A.40, Subds. 13 and 16 (Employment; Contracts; Termination)

Minn. Stat. § 123B.03 (Background Check)

Minn. Stat. § 123B.143, Subd. 2 (Disclose Past Buyouts)

Minn. Stat. Ch. 179 (Minnesota Labor Relations Act)

Minn. Stat. Ch. 179A (Minnesota Public Labor Relations Act)

Minn. Stat. § 253B.07, (Judicial Commitment: Preliminary Procedures)

Minn. Stat. ~~Ch. § 260E 626.556, Subd. 7~~ (Reporting of Maltreatment of Minors)  
[Minn. Stat. Ch. 268 \(Unemployment Insurance\)](#)  
[Minn. R. Pt. 1205 \(Data Practices\)](#)  
P.L. 104-191 (HIPAA)  
45 C.F.R. Parts 160, ~~162~~, and 164 (HIPAA Regulations)

**Cross References:** MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
[MSBA/MASA Model Policy 722 \(Public Data Requests\)](#)  
~~MSBA Service Manual, Chapter 13, School~~ Law Bulletin "I" (School Records – Privacy – Access to Data)

## **407 EMPLOYEE RIGHT TO KNOW – EXPOSURE TO HAZARDOUS SUBSTANCES**

Chisholm Public Schools Independent School District No. 695

Board Policy 407

Series: 400-Employee/Personnel

Subject: 407 Employee Right to Know – Exposure to Hazardous Substances  
Adopted/Revised:

***[Note: School districts are not required by statute to have a policy addressing these issues. However, the provisions of this policy accurately reflect the requirements of Minnesota Statutes section 182.653.]***

### **I. PURPOSE**

The purpose of this policy is to provide school district employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. (Minn. Statutes section 182.653, Subd. 2)

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

The policy of this school district is to provide information and training to employees who may be "routinely exposed" to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen.

### **III. DEFINITIONS**

- A. "Commissioner" means the Minnesota Commissioner of Labor and Industry.
- B. "Routinely exposed" means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.
- C. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:
  - 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations; or
  - 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
  - 3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

- D. "Harmful physical agent" means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes, but is not limited to, radiation, whether ionizing or nonionizing.
- E. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which, according to documented medical or scientific evidence, causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.
- F. "Blood borne pathogen" means a pathogenic microorganism that is present in human blood and can cause disease in humans. This definition includes, but is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

**IV. TARGET JOB CATEGORIES**

Annual training will be provided to all full- and part-time employees who are "routinely exposed" to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen as set forth above.

**V. TRAINING SCHEDULE**

Training will be provided to employees before beginning a job assignment as follows:

- A. Any newly hired employee assigned to a work area where he or she is determined to be "routinely exposed" under the guidelines above.
- B. Any employee reassigned to a work area where he or she is determined to be "routinely exposed" under the above guidelines.

**Legal References:** Minn. Stat. Ch. 182 (Occupational Safety and Health)  
 Minn. Rules Ch. 5205 (Occupational Safety and Health Standards)  
 Minn. Rules Ch. 5206 (Hazardous Substances; Employee Right to Know Standards)  
 29 C.F.R. § 1910.1050, App. B (Substance Technical Guidelines)

**Cross References:** MSBA/MASA Model Policy 420 (Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)  
 MSBA/MASA Model Policy 807 (Health and Safety Policy)

Adopted: \_\_\_\_\_ *MSBA/MASA Model Policy 408*  
Orig. 1995  
Revised: \_\_\_\_\_ *Rev. 2022*

**408 SUBPOENA OF A SCHOOL DISTRICT EMPLOYEE**  
Chisholm Public Schools Independent School District No. 695

Board Policy 408  
Series: 400-Employee/Personnel  
Subject: 408 Subpoena of a School District Employee  
Adopted/Revised:

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

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

**III. DATA CLASSIFICATION**

A. Educational Data

1. State Law

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

2. Federal Law

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

B. Personnel Data

The MGDPA, also classifies all personnel data, except for certain data specifically

classified as public, as private data on individuals. The state statute provides that **private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data.**

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

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

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

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

*Adopted:* \_\_\_\_\_ *MSBA/MASA Model Policy 409*  
*Orig. 1995*  
*Revised:* \_\_\_\_\_ *Rev. 2008*

**409 EMPLOYEE PUBLICATIONS, INSTRUCTIONAL MATERIALS, INVENTIONS, AND CREATIONS**  
Chisholm Public Schools Independent School District No. 695

Board Policy 409

Series: 400-Employees/Personnel

Subject: 400 Employee Publications, Instructional Materials, Inventions, and Creations

Adopted/Revised: January 23, 2023

**I. PURPOSE**

The purpose of this policy is to identify and reserve the proprietary rights of the school district to certain publications, instructional materials, inventions, and creations which employees may develop or create, or assist in developing or creating, while employed by the school district.

**II. GENERAL STATEMENT OF POLICY**

Unless the employee develops, creates or assists in developing or creating a publication, instructional material, computer program, invention or creation entirely on the employee's own time and without the use of any school district facilities or equipment, the employee shall immediately disclose and, on demand of the school district, assign any rights to publications, instructional materials, computer programs, materials posted on websites, inventions or creations which the employee develops or creates or assists in developing or creating during the term of employee's employment and for \_\_\_\_\_ [*school district should select time*] thereafter. In addition, employees shall sign such documents and perform such other acts as may be necessary to secure the rights of the school district relating to such publications, instructional materials, computer programs, materials posted on websites, inventions and/or creations, including domestic and foreign patents and copyrights.

**III. NOTICE OF POLICY**

The school district shall give employees notice of this policy by such means as are reasonably likely to inform them of this policy.

**Legal References:** Minn. Stat. § 181.78 (Agreements; Terms Relating to Inventions)  
17 U.S.C. § 101 *et seq.* (Copyrights)

**Cross References:** None

Adopted: \_\_\_\_\_ MSBA/MASA Model Policy 412  
Orig. 1995  
Revised: \_\_\_\_\_ Rev. 2008

## **412 EXPENSE REIMBURSEMENT**

Chisholm Public Schools Independent School District No. 695

Board Policy 412

Series: 400 Employees/Personnel

Subject: 412 Expense Reimbursement

Adopted/Revised:

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

### **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. AUTHORIZATION**

All school district business expenses to be reimbursed must be approved by the supervising administrator. 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. REIMBURSEMENT**

- A. Requests for reimbursement must be itemized on the official school district form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.
- B. Automobile travel shall be reimbursed at the mileage rate set by the school board. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.

### **IV. AIRLINE TRAVEL CREDIT**

- A. Employees utilizing school district funds to pay for airline travel are required to ensure that any credits or other benefits issued by any airline accrue to the benefit of the school district rather than the employee.
  - 1. To the extent an airline will not honor a transfer or assignment of credit or benefit from the employee to the school district, the employee shall report receipt of the credit or benefit to the designated administrator within 90 days of receipt of the credit or benefit.
  - 2. Reports of the receipt of an airline credit or benefit shall be made in writing and shall include verification from the airline as to the credit or benefit received.

Reimbursement for airline travel expenses will not be made until such documentation is provided.

- B. Employees who have existing credits or benefits issued by an airline based upon previously reimbursed airline travel for school district purposes will be required to utilize those credits or benefits toward any subsequent airline travel related to school district purposes, prior to reimbursement for such travel, to the extent permitted and/or feasible.
- C. The requirements of this section apply to all airline travel, regardless of where or how the tickets are purchased.

**V. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES**

The superintendent shall develop a schedule of reimbursement rates for school district business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The superintendent shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

**Legal References:** Minn. Stat. § 15.435 (Airline Travel Credit)  
Minn. Stat. § 471.665 (Mileage Allowances)  
Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)  
Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)  
Minn. Op. Atty. Gen. 161B-12 (Jan. 24, 1989) (Operating Expenses of Car)

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

## **807 HEALTH AND SAFETY POLICY**

Chisholm Public Schools Independent School District No. 695

Board Policy 807

Series: 800 Buildings and Sites

Subject: 807 Health and Safety Policy

Adopted/Revised:

***[Note: To receive health and safety revenue for any fiscal year, school districts must submit an application to the Minnesota Commissioner of Education, along with a health and safety budget adopted and confirmed by the school board as being consistent with the school district's health and safety policy. This policy has been approved by the Minnesota Department of Education.]***

***The subdivisions of Minnesota Statutes Section 123B.57 that relate to a school district's ability to apply for health and safety revenue have been repealed effective fiscal year 2017. The provisions of this policy substantially reflect statutory requirements.]***

### **I. PURPOSE**

The purpose of this policy is to assist the school district in promoting health and safety, reducing injuries, and complying with federal, state, and local health and safety laws and regulations.

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

- A. The policy of the school district is to implement a health and safety program that includes plans and procedures to protect employees, students, volunteers, and members of the general public who enter school district buildings and grounds. The objective of the health and safety program will be to provide a safe and healthy learning environment; to increase safety awareness; to help prevent accidents, illnesses, and injuries; to reduce liability; to assign duties and responsibilities to school district staff to implement and maintain the health and safety program; to establish written procedures for the identification and management of hazards or potential hazards; to train school district staff on safe work practices; and to comply with all health and safety, environmental, and occupational health laws, rules, and regulations.
- B. All school district employees have a responsibility for maintaining a safe and healthy environment within the school district and are expected to be involved in the health and safety program to the extent practicable. For the purpose of implementing this policy, the school district may form a health and safety advisory committee to be appointed by the superintendent. The health and safety advisory committee will be composed of employees and other individuals with specific knowledge of related issues. The advisory committee will provide recommendations to the administration regarding plans and procedures to implement this policy and to establish procedures for identifying, analyzing, and controlling hazards, minimizing risks, and training school district staff on safe work practices. The committee will also recommend procedures for investigating accidents and enforcement of workplace safety rules. Each recommendation shall include estimates of annual costs of implementing and maintaining that proposed recommendation. The superintendent may request that the safety committee established under Minnesota Statutes section 182.676 carry out all or part of the duties of the advisory committee or the advisory committee may consider recommendations from a separate safety committee established under Minnesota Statutes section 182.676.

### **III. PROCEDURES**

- A. Based upon recommendations from the health and safety advisory committee and

subject to the budget adopted by the school board to implement or maintain these recommendations, the administration will adopt and implement written plans and procedures for identification and management of hazards or potential hazards existing within the school district in accordance with federal, state, and local laws, rules, and regulations. Written plans and procedures will be maintained, updated, and reviewed by the school board on an annual basis and shall be an addendum to this policy. The administration shall identify in writing a contact person to oversee compliance with each specific plan or procedure.

- B. To the extent that federal, state, and local laws, rules, and regulations do not exist for identification and management of hazards or potential hazards, the health and safety advisory committee shall evaluate other available resources and generally accepted best practice recommendations. Best practices are techniques or actions which, through experience or research, have consistently proven to lead to specific positive outcomes.
- C. The school district shall monitor and make good faith efforts to comply with any new or amended laws, rules, or regulations to control potential hazards.

#### **IV. PROGRAM AND PLANS**

- A. For the purpose of implementing this policy, the administration will, within the budgetary limitations adopted by the school board, implement a health and safety program that includes specific plan requirements in various areas as identified by the health and safety advisory committee. Areas that may be considered include, but are not limited to, the following:

1. Asbestos
2. Fire and Life Safety
3. Employee Right to Know
4. Emergency Action Planning
5. Combustible and Hazardous Materials Storage
6. Indoor Air Quality
7. Mechanical Ventilation
8. Mold Cleanup and Abatement
9. Accident and Injury Reduction Program: Model AWAIR Program for Minnesota Schools
10. Infectious Waste/Bloodborne Pathogens
11. Community Right to Know
12. Compressed Gas Safety
13. Confined Space Standard
14. Electrical Safety
15. First Aid/CPR/AED
16. Food Safety Inspection
17. Forklift Safety
18. Hazardous Waste
19. Hearing Conservation
20. Hoist/Lift/Elevator Safety
21. Integrated Pest Management
22. Laboratory Safety Standard/Chemical Hygiene Plan
23. Lead
24. Control of Hazardous Energy Sources (Lockout/Tagout)
25. Machine Guarding
26. Safety Committee
27. Personal Protection Equipment (PPE)
28. Playground Safety
29. Radon
30. Respiratory Protection
31. Underground and Above Ground Storage Tanks
32. Welding/Cutting/Brazing
33. Fall Protection
34. National Emission Standards for Hazardous Air Pollutants for School Generators

- established by the United States E.P.A.
35. Other areas determined to be appropriate by the health and safety advisory committee.

If a risk is not present in the school district, the preparation of a plan or procedure for that risk will not be necessary.

- B. The administration shall establish procedures to ensure, to the extent practicable, that all employees are properly trained and instructed in job procedures, crisis response duties, and emergency response actions where exposure or possible exposure to hazards and potential hazards may occur.
- C. The administration shall conduct or arrange safety inspections and drills. Any identified hazards, unsafe conditions, or unsafe practices will be documented and corrective action will be taken to the extent practicable to control that hazard, unsafe condition, or unsafe practice.
- D. Communication from employees regarding hazards, unsafe or potentially unsafe working conditions, and unsafe or potentially unsafe practices is encouraged in either written or oral form. No employee will be retaliated against for reporting hazards or unsafe or potentially unsafe working conditions or practices.
- E. The administration shall conduct periodic workplace inspections to identify potential hazards and safety concerns.
- F. In the event of an accident or a near miss, the school district shall promptly cause an accident investigation to be conducted in order to determine the cause of the incident and to take action to prevent a similar incident. All accidents and near misses must be reported to an immediate supervisor as soon as possible.

## **V. BUDGET**

The superintendent shall be responsible to provide for periodic school board review and approval of the various plan requirements of the health and safety program, including current plan requirements and related written plans and procedures and recommendations for additional plan requirements proposed to be adopted. The superintendent, or such other school official as designated by the superintendent, each year shall prepare preliminary revenue and expenditure budgets for the school district's health and safety program. The preliminary budgets shall be accompanied by such written commentary as may be necessary for them to be clearly understood by the members of the school board and the public. The school board shall review the projected revenues and expenditures for this program and make such adjustments within the expenditure budget to carry out the current program and to implement new recommendations within the revenues projected and appropriated for this purpose. No funds may be expended for the health and safety program in any school year prior to the adoption of the budget document authorizing that expenditure for that year, or prior to the adoption of an amendment to that budget document by the school board to authorize that expenditure for that year. The health and safety program shall be implemented, conducted, and administered within the fiscal restraints of the budget so adopted.

## **VI. ENFORCEMENT**

Enforcement of this policy is necessary for the goals of the school district's health and safety program to be achieved. Within applicable budget limitations, school district employees will be trained and receive periodic reviews of safety practices and procedures, focusing on areas that directly affect the employees' job duties. Employees shall participate in practice drills. Willful violations of safe work practices may result in disciplinary action in accordance with applicable school district policies.

**Legal References:** Minn. Stat. § 123B.56 (Health, Safety, and Environmental Management)

Minn. Stat. § 123B.57 (Health and Safety Projects)  
Minn. Stat. § 182.676 (Safety Committees)  
Minn. Rules Part 5208.0010 (Accident and Injury Reduction Program;  
Applicability)  
Minn. Rules Part 5208.0070 (Accident and Injury Reduction Program;  
Alternative Forms of Committee)

**Cross References:** MSBA/MASA Model Policy 407 (Employee Right to Know - Exposure to  
Hazardous Substances)  
MSBA/MASA Model Policy 701 (Establishment and Adoption of School District  
Budget)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)

This Document can be made available  
in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **414**

01/17/2023 Authored by Lislegard; Olson, L.; Skraba and Igo  
The bill was read for the first time and referred to the Committee on Taxes

- 1.1 A bill for an act
- 1.2 relating to taxation; sales and use; providing refundable exemptions for construction
- 1.3 materials for certain school buildings; appropriating money.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **CHISHOLM PUBLIC SCHOOLS; SALES TAX EXEMPTION FOR**
- 1.6 **CONSTRUCTION MATERIALS.**
- 1.7 **Subdivision 1. Exemption; refund.** (a) Materials and supplies used in and equipment
- 1.8 incorporated into the construction and renovation projects for Chisholm Elementary School,
- 1.9 Chisholm High School, and Vaughan Steffensrud School in Independent School District
- 1.10 No. 695, Chisholm Public Schools, are exempt from sales and use tax imposed under
- 1.11 Minnesota Statutes, chapter 297A. The exemption under this subdivision only applies if
- 1.12 materials, supplies, and equipment are purchased after December 31, 2021, and before
- 1.13 January 1, 2025.
- 1.14 (b) The tax must be imposed and collected as if the rate under Minnesota Statutes, section
- 1.15 297A.62, subdivision 1, applied, and then refunded in the same manner provided for projects
- 1.16 under Minnesota Statutes, section 297A.75, subdivision 1, clause (17). The commissioner
- 1.17 of revenue must not issue refunds under this section before July 1, 2023.
- 1.18 **Subd. 2. Appropriation.** The amount required to pay the refunds under subdivision 1
- 1.19 is appropriated from the general fund to the commissioner of revenue.
- 1.20 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2022, and
- 1.21 applies to sales and purchases made after December 31, 2021, and before January 1, 2025.

2.1 **Sec. 2. DULUTH PUBLIC SCHOOLS; SALES TAX EXEMPTION FOR**  
 2.2 **CONSTRUCTION MATERIALS.**

2.3 Subdivision 1. Exemption; refund. (a) Materials and supplies used in and equipment  
 2.4 incorporated into the construction of an administrative building and a transportation facility  
 2.5 in Independent School District No. 709, Duluth Public Schools, are exempt from sales and  
 2.6 use tax imposed under Minnesota Statutes, chapter 297A, if materials, supplies, and  
 2.7 equipment are purchased after June 30, 2021, and before January 1, 2025.

2.8 (b) The tax must be imposed and collected as if the rate under Minnesota Statutes, section  
 2.9 297A.62, subdivision 1, applied, and then refunded in the same manner provided for projects  
 2.10 under Minnesota Statutes, section 297A.75, subdivision 1, clause (17). Refunds for eligible  
 2.11 purchases must not be issued until after June 30, 2023.

2.12 Subd. 2. Appropriation. The amount required to pay the refunds under subdivision 1  
 2.13 is appropriated from the general fund to the commissioner of revenue.

2.14 EFFECTIVE DATE. This section is effective retroactively from July 1, 2021, and  
 2.15 applies to sales and purchases made after June 30, 2021, and before January 1, 2025.

2.16 **Sec. 3. ELY PUBLIC SCHOOLS; SALES TAX EXEMPTION FOR**  
 2.17 **CONSTRUCTION MATERIALS.**

2.18 Subdivision 1. Exemption; refund. (a) Materials and supplies used in and equipment  
 2.19 incorporated into the following projects in Independent School District No. 696, Ely Public  
 2.20 Schools, are exempt from sales and use tax imposed under Minnesota Statutes, chapter  
 2.21 297A, if materials, supplies, and equipment are purchased after May 1, 2019, and before  
 2.22 January 1, 2024:

2.23 (1) renovations to the elementary school building and high school building; and

2.24 (2) construction of a building that connects the elementary school and high school  
 2.25 buildings, containing classrooms, a common area, gymnasium, and administrative offices.

2.26 (b) The tax must be imposed and collected as if the rate under Minnesota Statutes, section  
 2.27 297A.62, subdivision 1, applied, and then refunded in the same manner provided for projects  
 2.28 under Minnesota Statutes, section 297A.75, subdivision 1, clause (17). Refunds for eligible  
 2.29 purchases must not be issued until after June 30, 2023.

2.30 Subd. 2. Appropriation. The amount required to pay the refunds under subdivision 1  
 2.31 is appropriated from the general fund to the commissioner of revenue.

3.1 EFFECTIVE DATE. This section is effective retroactively from May 2, 2019, and  
 3.2 applies to sales and purchases made after May 1, 2019, and before January 1, 2024.

3.3 **Sec. 4. HIBBING PUBLIC SCHOOLS; SALES TAX EXEMPTION FOR**  
 3.4 **CONSTRUCTION MATERIALS.**

3.5 Subdivision 1. **Exemption; refund.** (a) Materials and supplies used in and equipment  
 3.6 incorporated into the following projects in the city of Hibbing are exempt from sales and  
 3.7 use tax imposed under Minnesota Statutes, chapter 297A, if materials, supplies, and  
 3.8 equipment are purchased after May 1, 2019, and before January 1, 2025:

3.9 (1) the addition of an Early Childhood Family Education Center to an existing elementary  
 3.10 school; and

3.11 (2) improvements to an existing athletic facility in Independent School District No. 701,  
 3.12 Hibbing Public Schools.

3.13 (b) The tax must be imposed and collected as if the rate under Minnesota Statutes, section  
 3.14 297A.62, subdivision 1, applied, and then refunded in the same manner provided for projects  
 3.15 under Minnesota Statutes, section 297A.75, subdivision 1, clause (17). Refunds for eligible  
 3.16 purchases must not be issued until after June 30, 2023.

3.17 Subd. 2. **Appropriation.** The amount required to pay the refunds under subdivision 1  
 3.18 is appropriated from the general fund to the commissioner of revenue.

3.19 EFFECTIVE DATE. This section is effective retroactively from May 2, 2019, and  
 3.20 applies to sales and purchases made after May 1, 2019, and before January 1, 2025.

3.21 **Sec. 5. NASHWAUK-KEEWATIN PUBLIC SCHOOLS; SALES TAX EXEMPTION**  
 3.22 **FOR CONSTRUCTION MATERIALS.**

3.23 Subdivision 1. **Exemption; refund.** (a) Materials and supplies used in and equipment  
 3.24 incorporated into the construction of a new school building and attached community wellness  
 3.25 center to replace Keewatin Elementary School and the Nashwauk High School in Independent  
 3.26 School District No. 319, Nashwauk-Keewatin Public Schools, are exempt from sales and  
 3.27 use tax imposed under Minnesota Statutes, chapter 297A, if materials, supplies, and  
 3.28 equipment are purchased after December 31, 2021, and before January 1, 2025.

3.29 (b) The tax must be imposed and collected as if the rate under Minnesota Statutes, section  
 3.30 297A.62, subdivision 1, applied, and then refunded in the same manner provided for projects  
 3.31 under Minnesota Statutes, section 297A.75, subdivision 1, clause (17). Refunds for eligible  
 3.32 purchases must not be issued until after June 30, 2023.

4.1 Subd. 2. **Appropriation.** The amount required to pay the refunds under subdivision 1  
 4.2 is appropriated from the general fund to the commissioner of revenue.

4.3 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2022, and  
 4.4 applies to sales and purchases made after December 31, 2021, and before January 1, 2025.

4.5 Sec. 6. **NORTHLAND LEARNING CENTER; SALES TAX EXEMPTION FOR**  
 4.6 **CONSTRUCTION MATERIALS.**

4.7 Subdivision 1. **Exemption; refund.** (a) Materials and supplies used in and equipment  
 4.8 incorporated into the renovation and addition to the James Madison Building for Northland  
 4.9 Learning Center, Independent School District No. 6076, are exempt from sales and use tax  
 4.10 imposed under Minnesota Statutes, chapter 297A, if materials, supplies, and equipment are  
 4.11 purchased after December 31, 2021, and before January 1, 2025.

4.12 (b) The tax must be imposed and collected as if the rate under Minnesota Statutes, section  
 4.13 297A.62, subdivision 1, applied, and then refunded in the same manner provided for projects  
 4.14 under Minnesota Statutes, section 297A.75, subdivision 1, clause (17). Refunds for eligible  
 4.15 purchases must not be issued until after June 30, 2023.

4.16 Subd. 2. **Appropriation.** The amount required to pay the refunds under subdivision 1  
 4.17 is appropriated from the general fund to the commissioner of revenue.

4.18 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2022, and  
 4.19 applies to sales and purchases made after December 31, 2021, and before January 1, 2025.

4.20 Sec. 7. **NORTHERN LIGHTS ACADEMY; SALES TAX EXEMPTION FOR**  
 4.21 **CONSTRUCTION MATERIALS.**

4.22 Subdivision 1. **Exemption; refund.** (a) Materials and supplies used in and equipment  
 4.23 incorporated into the construction of a new building for special education cooperative No.  
 4.24 6096, Northern Lights Academy, are exempt from sales and use tax imposed under Minnesota  
 4.25 Statutes, chapter 297A, if materials, supplies, and equipment are purchased after December  
 4.26 31, 2021, and before January 1, 2025.

4.27 (b) The tax must be imposed and collected as if the rate under Minnesota Statutes, section  
 4.28 297A.62, subdivision 1, applied, and then refunded in the same manner provided for projects  
 4.29 under Minnesota Statutes, section 297A.75, subdivision 1, clause (17). Refunds for eligible  
 4.30 purchases must not be issued until after June 30, 2023.

4.31 Subd. 2. **Appropriation.** The amount required to pay the refunds under subdivision 1  
 4.32 is appropriated from the general fund to the commissioner of revenue.

5.1 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2022, and  
5.2 applies to sales and purchases made after December 31, 2021, and before January 1, 2025.

5.3 **Sec. 8. ROCK RIDGE PUBLIC SCHOOLS; SALES TAX EXEMPTION FOR**  
5.4 **CONSTRUCTION MATERIALS.**

5.5 Subdivision 1. **Exemption; refund.** (a) Materials and supplies used in and equipment  
5.6 incorporated into the construction of two new elementary school buildings and a new high  
5.7 school building in Independent School District No. 2909, Rock Ridge Public Schools, are  
5.8 exempt from sales and use tax imposed under Minnesota Statutes, chapter 297A, if materials,  
5.9 supplies, and equipment are purchased after May 1, 2019, and before January 1, 2024.

5.10 (b) The tax must be imposed and collected as if the rate under Minnesota Statutes, section  
5.11 297A.62, subdivision 1, applied, and then refunded in the same manner provided for projects  
5.12 under Minnesota Statutes, section 297A.75, subdivision 1, clause (17). Refunds for eligible  
5.13 purchases must not be issued until after June 30, 2023.

5.14 Subd. 2. **Appropriation.** The amount required to pay the refunds under subdivision 1  
5.15 is appropriated from the general fund to the commissioner of revenue.

5.16 **EFFECTIVE DATE.** This section is effective retroactively from May 2, 2019, and  
5.17 applies to sales and purchases made after May 1, 2019, and before January 1, 2024.

## 2022-2023 Enrollment

Grade	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May
VPK	13	13	13	13	14				
KG	47	47	47	48	47				
1st	48	46	46	48	46				
2nd	48	48	49	47	49				
3rd	44	43	42	44	41				
4th	52	52	52	51	52				
5th	39	39	38	39	38				
6th	46	46	46	46	47				
7th	46	45	45	46	45				
8th	76	75	75	76	74				
9th	60	59	58	60	57				
10th	57	58	58	57	58				
11th	52	53	53	52	52				
12th	43	41	40	43	40				
<b>Total</b>	<b>671</b>	<b>665</b>	<b>662</b>	<b>670</b>	<b>660</b>				