

Policy Committee Meeting
Duluth Public Schools, ISD 709
Agenda
Tuesday, January 9, 2024
District Services Center
709 Portia Johnson Dr.
Duluth, MN 55811
3:30 PM

1. **AGENDA ITEMS**
2. **POLICIES FOR FIRST READING - None**
3. **POLICIES FOR SECOND READING**
 - A. 606 Textbooks and Instructional Materials (to replace Policies 6030, 6035, & 6040) 2
4. **POLICIES FOR REVIEW**
 - A. 722 Public Data and Data Subject Requests 12
 - B. 206 Public Participation in School Board Meetings/Complaints About Persons at School Board Meetings and Data Privacy Considerations 20
 - C. 535 Counseling Regarding Pre-Career and Technical Programs 25
5. **REGULATIONS - Informational**
6. **OTHER**

606 TEXTBOOKS AND INSTRUCTIONAL MATERIALS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

The school board recognizes that selection of textbooks and instructional materials is a vital component of the school district's curriculum. The school board also recognizes that it has the authority to make final decisions on selection of all textbooks and instructional materials.

III. RESPONSIBILITY OF SELECTION

- A. While the school board retains its authority to make final decisions on the selection of textbooks and instructional materials, the school board recognizes the expertise of the professional staff and the vital need of such staff to be primarily involved in the recommendation of textbooks and instructional materials. Accordingly, the school board delegates to the superintendent the responsibility to direct the professional staff in formulating recommendations to the school board on textbooks and other instructional materials.
- B. In reviewing textbooks and instructional materials during the selection process, the professional staff shall select materials that:
 - 1. support the goals and objectives of the education programs;
 - 2. consider the needs, age, and maturity of students;
 - 3. foster respect and appreciation for cultural diversity and varied opinion;
 - 4. fit within the constraints of the school district budget;
 - 5. are in the English language. Another language may be used, pursuant to Minn. Stat. § 124D.61;
 - 6. permit grade-level instruction for students to read and study America's founding documents, including documents that contributed to the foundation or maintenance of America's representative form of limited government, the Bill of Rights, our free-market economic system, and patriotism; and
 - 7. do not censor or restrain instruction in American or Minnesota state history or heritage based on religious references in original source documents, writings, speeches, proclamations, or records.
- C. The superintendent shall be responsible for developing procedures and guidelines to establish an orderly process for the review and recommendation of textbooks and other instructional materials by the professional staff. Such procedures and guidelines shall provide opportunity for input and consideration of the views of students, parents, and other interested members of the school district community. This procedure shall be coordinated with the school district's curriculum development effort and may utilize advisory committees.

IV. SELECTION OF TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS

- A. The superintendent shall be responsible for keeping the school board informed of progress on the part of staff and others involved in the textbook and other instructional materials review and selection process.
- B. The superintendent shall present a recommendation to the school board on the selection of textbooks and other instructional materials after completion of the review process as outlined in this policy.

V. RECONSIDERATION OF TEXTBOOKS OR OTHER INSTRUCTIONAL MATERIALS

- A. The school board recognizes differences of opinion on the part of some members of the school district community relating to certain areas of the instruction program. Interested persons may request an opportunity to review materials and submit a request for reconsideration of the use of certain textbooks or instructional materials. Access to the materials in question shall not be restricted until the procedures listed below have been fully completed and a decision to remove or restrict the materials has been made.
- B. Formal Request for Reconsideration of a Textbook or Other Instructional Resource
 - 1. A Formal Request for Reconsideration of a textbook or other instructional resource is initiated upon submission of a completed [*Formal Request for Reconsideration of Instructional Resource or Specific Library Collection Material*](#) form. The form must be completed in its entirety for each resource that is subject to a request for reconsideration and submitted to the school principal. The principal shall notify the superintendent or the superintendent's designee of receipt of a completed Formal Request form.

If specific instructional material is the subject of a Formal Request for Reconsideration and a final decision is made to retain the specific instructional material, then the specific instructional material shall not be subject to additional requests for reconsideration for three years following the date of final resolution of the initial Formal Request for Reconsideration.
 - 2. The Superintendent or the superintendent's designee shall appoint an Instructional Materials Review Committee (Review Committee) upon receipt of a Formal Request for Reconsideration. This committee shall include:
 - a. One member of the school district administration
 - b. One principal
 - c. Two teachers of the discipline named in the complaint (one of which shall be the content area lead teacher)
 - d. Two members of the school district community with no direct connection with the request for reconsideration
 - e. Two student representatives (as appropriate to the specific request).
 - 3. The Review Committee chair shall establish a date upon which it will discuss the request and whether the specific instructional material conforms to the selection criteria set forth in this policy.

4. The Review Committee
 - a. may consult individuals, organizations, and other resources with relevant professional knowledge on instructional material;
 - b. shall examine the specific instructional material's area of concern;
 - c. shall examine the specific instructional material as to its conformance with the criteria for selection of instructional materials; and
 - d. shall submit a written report to the superintendent or the superintendent's designee containing the Review Committee's decision on whether to retain, to remove, or to take other action regarding the specific instructional material.
5. The superintendent or the superintendent's designee shall inform the requestor and the school board of the Review Committee's decision.
6. The requestor shall have the right to appeal the decision of the Review Committee to the superintendent and the school board.

Legal References: Minn. Stat. § 120A.22, Subd. 9 (Compulsory Instruction – Knowledge and Skills)
Minn. Stat. § 120B.235 (American Heritage Education)
Minn. Stat. § 123B.02, Subd. 2 (General Powers of Independent School Districts)
Minn. Stat. § 123B.09, Subd. 8 (School Board Responsibilities)
Minn. Stat. § 124D.59-124D.61 (Education for English Learners Act)
Minn. Stat. § 127A.10 (State Officials and School Board Members to be Disinterested; Penalty)
Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988)
Pratt v. Independent Sch. Dist. No. 831, 670 F.2d 771 (8th Cir. 1982)

Cross References: MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 604 (Instructional Curriculum)

Replaces: Policies 6030, 6035 & 6040
First Reading: 12.19.2023
Second Reading:

Adopted: _____

Revised: _____

MSBA/MASA Model Policy 606

Orig. 1995

Rev. 2022

606 TEXTBOOKS AND INSTRUCTIONAL MATERIALS

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II. GENERAL STATEMENT OF POLICY

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- B. In reviewing textbooks and instructional materials during the selection process, the professional staff shall select materials that:
 - 1. support the goals and objectives of the education programs;
 - 2. consider the needs, age, and maturity of students;
 - 3. foster respect and appreciation for cultural diversity and varied opinion;
 - 4. fit within the constraints of the school district budget;
 - 5. are in the English language. Another language may be used, pursuant to Minn. Stat. § 124D.61;
 - 6. permit grade-level instruction for students to read and study America's founding documents, including documents that contributed to the foundation or maintenance of America's representative form of limited government, the Bill of Rights, our free-market economic system, and patriotism; and
 - 7. do not censor or restrain instruction in American or Minnesota state history or heritage based on religious references in original source documents, writings, speeches, proclamations, or records.
- C. The superintendent shall be responsible for developing procedures and guidelines to establish an orderly process for the review and recommendation of textbooks and other instructional materials by the professional staff. Such procedures and guidelines shall provide opportunity for input and consideration of the views of students, parents, and other interested members of the school district community. This procedure shall be coordinated with the school district's curriculum development effort and may utilize

advisory committees.

IV. SELECTION OF TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS

- A. The superintendent shall be responsible for keeping the school board informed of progress on the part of staff and others involved in the textbook and other instructional materials review and selection process.
- B. The superintendent shall present a recommendation to the school board on the selection of textbooks and other instructional materials after completion of the review process as outlined in this policy.

V. RECONSIDERATION OF TEXTBOOKS OR OTHER INSTRUCTIONAL MATERIALS

- A. The school board recognizes differences of opinion on the part of some members of the school district community relating to certain areas of the instruction program. Interested persons may request an opportunity to review materials and submit a request for reconsideration of the use of certain textbooks or instructional materials. Access to the materials in question shall not be restricted until the procedures listed below have been fully completed and a decision to remove or restrict the materials has been made.
- ~~B. The superintendent shall be responsible for the development of guidelines and procedures to identify the steps to be followed to seek reconsideration of textbooks or other instructional materials.~~
- ~~C. The superintendent shall present a procedure to the school board for review and approval regarding reconsideration of textbooks or other instructional materials. When approved by the school board, such procedure shall be an addendum to this policy.~~

B. Formal Request for Reconsideration of a Textbook or Other Instructional Resource

- 1. A Formal Request for Reconsideration of a textbook or other instructional resource is initiated upon submission of a completed [*Formal Request for Reconsideration of Instructional Resource or Specific Library Collection Material*](#) form. The form must be completed in its entirety for each resource that is subject to a request for reconsideration and submitted to the school principal. The principal shall notify the superintendent or the superintendent's designee of receipt of a completed Formal Request form.

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- 2. The Superintendent or the superintendent's designee shall appoint an Instructional Materials Review Committee (Review Committee) upon receipt of a Formal Request for Reconsideration. This committee shall include:
 - a. One member of the school district administration
 - b. One principal
 - c. Two teachers of the discipline named in the complaint (one of which shall be the content area lead teacher)

- d. Two members of the school district community with no direct connection with the request for reconsideration
 - e. Two student representatives (as appropriate to the specific request).
- 3. The Review Committee chair shall establish a date upon which it will discuss the request and whether the specific instructional material conforms to the selection criteria set forth in this policy.
- 4. The Review Committee
 - a. may consult individuals, organizations, and other resources with relevant professional knowledge on instructional material;
 - b. shall examine the specific instructional material's area of concern;
 - c. shall examine the specific instructional material as to its conformance with the criteria for selection of instructional materials; and
 - d. shall submit a written report to the superintendent or the superintendent's designee containing the Review Committee's decision on whether to retain, to remove, or to take other action regarding the specific instructional material.
- 5. The superintendent or the superintendent's designee shall inform the requestor and the school board of the Review Committee's decision.
- 6. The requestor shall have the right to appeal the decision of the Review Committee to the superintendent and the school board.

Legal References: Minn. Stat. § 120A.22, Subd. 9 (Compulsory Instruction – Knowledge and Skills)
Minn. Stat. § 120B.235 (American Heritage Education)
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Cross References: MSBA/MASA Model Policy 603 (Curriculum Development)
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~~6030 INSTRUCTIONAL RESOURCES~~

~~One of the primary objectives of the School District is to provide instructional resources that enrich and support the educational program of the school. Instructional resources are designed to:~~

- ~~1. Provide a wide range of experiences on all levels of difficulty with diversity of appeal, presenting different points of view, reflecting non-sexist and non-discriminatory roles, attitudes, values, and concepts.~~
- ~~2. Stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.~~
- ~~3. Provide background of the many religious, ethnic, and cultural groups and their contribution to our American heritage, literature, arts, and sciences.~~
- ~~4. Provide a variety of formats to give students and teachers the opportunity to select the media best suited to the learning needs of individual pupils.~~

~~The School Board supports the principles of intellectual freedom inherent in the First Amendment of the Constitution of the United States and expressed in the "Library Bill of Rights" of the American Library Association, "The Right to Read" published by the National Council of Teachers of English, and "The Freedom of View" written by the Educational Film Library Association. In the event that materials are challenged, the principles of intellectual freedom, the right to access of materials, and the integrity of the licensed staff must be upheld while reevaluating the material in question.~~

~~Adopted: 12-14-1976 ISD-709~~

~~Revised: 10-09-1979~~

~~01-08-1980~~

~~11-12-1985~~

~~06-20-1995~~

~~08-17-2004 ISD-709~~

~~6035—SELECTION OF INSTRUCTIONAL MATERIALS~~

~~I.—PURPOSE~~

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

- ~~—1. support the goals and objectives of the education programs;~~
- ~~—2. consider the needs, age and maturity of students;~~
- ~~—3. foster respect and appreciation for cultural diversity and varied opinion;~~
- ~~—4. fit within the constraints of the school district budget; and~~
- ~~—6. are in the English language. Another language may be used, pursuant to Minn. Stat. § 124D.61.~~

~~C. The superintendent shall be responsible for developing procedures and guidelines to establish an orderly process for the review and recommendation of textbooks and other instructional materials by the professional staff. Such procedures and guidelines shall provide opportunity for input and consideration of the views of students, parents and other interested members of the school district community. This procedure shall be coordinated with the school district's curriculum development effort and may utilize advisory committees.~~

~~IV.—SELECTION OF TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS~~

~~A. The superintendent shall be responsible for keeping the school board informed of progress on the part of staff and others involved in the textbook and other instructional materials review and selection process.~~

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~~V. RECONSIDERATION OF TEXTBOOKS OR OTHER INSTRUCTIONS MATERIALS~~

~~A. The school board recognizes differences of opinion on the part of some members of the school district community relating to certain areas of the instruction program. Interested persons may request an opportunity to review materials and submit a request for reconsideration of the use of certain textbooks or instructional materials.~~

~~B. The superintendent shall be responsible for the development of guidelines and procedures to identify the steps to be followed to seek reconsideration of textbooks or other instructional materials.~~

~~C. The superintendent shall present a procedure to the school board for review and approval regarding reconsideration of textbooks or other instructional materials. When approved by the school board, such procedure shall be an addendum to this policy.~~

~~Legal References: Minn. Stat. § 120A.22, Subd. 9 (Compulsory Instruction—Curriculum)
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—Minn. Stat. § 124D.59–124D.61 (Limited English Proficiency)
—Minn. Stat. § 127A.10 (State Officials and School Board Members to be Disinterested; Penalty)
—Hazelwood Sch. Dist. V. Kuhlmeier, 484 U.S. 260, 108 S. Ct. 562, 98 L.Ed.2d 592 (1988)
—Pratt V. Independent Sch. Dist, No. 831, 670F.2d 771 (8th Cir, 1982)~~

~~Adopted: 11-09-1976 ISD 709~~

~~Revised: 02-11-1986~~

~~01-17-2006 ISD 709~~

~~6040—CHALLENGED INSTRUCTIONAL RESOURCES~~

~~If a resident of the School District requests the removal or restriction of a resource for anyone other than his/her child/ward, a Request for Reconsideration of an Instructional Resource Form, available in the office of the principal, must be completed and signed. The materials in questions will continue to be available for use in the curriculum during the reconsideration process, which is as follows:~~

~~Step One~~

~~A committee consisting of three building level instructional personnel shall be established by the principal to review any challenged resource. Upon receipt of a Request for Reconsideration, the committee shall read the complaint. All committee members shall thoroughly review the resource in question. Following this review, the committee may meet with the complainant to discuss the resource. The committee shall make a decision regarding the future use of this resource in the school program. After reviewing the decision with the committee, the principal shall, within ten (10) working days, notify the complainant of the decision in writing. The complainant may appeal the committee's decision to the Director of Curriculum, Instruction & Assessment within ten (10) working days of receipt of the principal's notification of decision.~~

~~Step Two~~

~~Upon receipt of a request for appeal, the Director of Curriculum, Instruction & Assessment shall appoint a five member committee composed of at least one school media person, a teacher of the discipline named in the complaint, and an administrator. The committee shall read the complaint, review the resource, and consider the building level decision. Following this review, the committee shall meet with the complainant to discuss the matter. Within thirty (30) working days the committee shall make a decision and disseminate it to the complainant and all principals. The entire Step Two process shall be completed in sixty (60) days following the receipt of the request for appeal.~~

~~Step Three~~

~~The Step Two decision may be appealed to the Superintendent and the School Board within ten (10) working days of receipt of the Step Two decision.~~

~~Adopted: 11-09-1976 ISD 709~~

~~Revised: 02-11-1986~~

~~06-20-1995~~

~~08-17-2004 ISD 709~~

722 PUBLIC DATA AND DATA SUBJECT REQUESTS

I. PURPOSE

The school district recognizes its responsibility relative to the collection, maintenance, and dissemination of public data as provided in state statutes.

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

A. Confidential Data on Individuals

Data made not public by statute or federal law applicable to the data and are inaccessible to the individual subject of those data.

B. Data on Individuals

All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual.

C. Data Practices Compliance Officer

The data practices compliance official is the designated employee of the school district to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The responsible authority may be the data practices compliance official.

D. Government Data

All data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.

E. Individual

"Individual" means a natural person. In the case of a minor or an incapacitated person as defined in Minnesota Statutes section 524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

F. Inspection

"Inspection" means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the school district, typically through an online portal or the government entity's website, inspection includes remote access to the data by the public and the

ability to print copies of or download the data on the public's own computer equipment.

G. Not Public Data

Any government data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

H. Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data.

I. Private Data on Individuals

Data made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of those data.

J. Protected Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.

K. Public Data

All government data collected, created, received, maintained, or disseminated by the school district, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.

L. Public Data Not on Individuals

Data accessible to the public pursuant to Minnesota Statutes section 13.03.

M. Public Data on Individuals

Data accessible to the public in accordance with the provisions of section 13.03.

N. Responsible Authority

The individual designated by the school board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the school board, the responsible authority is the superintendent.

O. Summary Data

Statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable. Unless classified pursuant to Minnesota Statutes section 13.06, another statute, or federal law, summary data is public.

IV. REQUESTS FOR PUBLIC DATA

- A. All requests for public data must be made in writing using the data practices form and directed to the responsible authority.

1. A request for public data must include the following information:

- a. Date the request is made;
 - b. A clear description of the data requested;
 - c. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 - d. Method to contact the requestor (such as phone number, address, or email address).
 2. Unless specifically authorized by statute, the school district may not require persons to identify themselves, state a reason for, or justify a request to gain access to public government data. A person may be asked to provide certain identifying or clarifying information for the sole purpose of facilitating access to the data.
 3. The identity of the requestor is public, if provided, but cannot be required by the government entity.
 4. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- B. The responsible authority will respond to a data request at reasonable times and places as follows:
1. The responsible authority will notify the requestor in writing as follows:
 - a. The requested data does not exist; or
 - b. The requested data does exist but either all or a portion of the data is not accessible to the requestor; or
 - (1) If the responsible authority determines that the requested data is classified so that access to the requestor is denied, the responsible authority will inform the requestor of the determination in writing, as soon thereafter as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.
 - (2) Upon the request of a requestor who is denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.
 - c. The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requestor is notified, the school district will conclude that the data is no longer wanted and will consider the request closed.
 2. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.

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

V. REQUEST FOR SUMMARY DATA

- A. A request for the preparation of summary data shall be made ~~in writing~~ and directed to the responsible authority.
 1. A request for the preparation of summary data must include the following information:
 - a. Date the request is made;
 - b. A clear description of the data requested;
 - c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 - d. Method to contact requestor (phone number, address, or email address).
- B. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of the following:
 1. The estimated costs of preparing the summary data, if any; and
 2. The summary data requested; or
 3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
 4. A written statement describing the reasons why the responsible authority has determined that the requestor's access would compromise the private or confidential data.
- C. The school district may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school district begins to prepare the summary data.

VI. DATA BY AN INDIVIDUAL DATA SUBJECT

- A. Collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.
- B. Private or confidential data on an individual shall not be collected, stored, used, or

disseminated by the school district for any purposes other than those stated to the individual at the time of collection in accordance with Minnesota Statutes section 13.04, except as provided in Minnesota Statutes section 13.05, subdivision 4.

- C. Upon request to the responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data.
- D. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.
- E. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.
- F. The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.
- G. An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.
- H. The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by Minnesota Statutes chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.
- I. Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a government entity without regard to the requirements of Minnesota Statutes section 138.17.
- J. After completing, correcting, or destroying successfully challenged data, the school district may retain a copy of the commissioner of administration's order issued under Minnesota Statutes chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

VII. REQUESTS FOR DATA BY AN INDIVIDUAL SUBJECT OF THE DATA

- A. All requests for individual subject data must be made in writing directed to the responsible authority.

- B. A request for individual subject data must include the following information:
1. Statement that one is making a request as a data subject for data about the individual or about a student for whom the individual is the parent or guardian;
 2. Date the request is made;
 3. A clear description of the data requested;
 4. Proof that the individual is the data subject or the data subject's parent or guardian;
 5. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 6. Method to contact the requestor (such as phone number, address, or email address).
- C. The identity of the requestor of private data is private.
- D. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- E. Policy 515 (Protection and Privacy of Pupil Records) addresses requests of students or their parents for educational records and data.

VIII. COSTS

A. Public Data

1. The school district will charge for copies provided as follows:
 - a. 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.
 - b. More than 100 pages or copies of other materials are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.
 - (1) The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any).
 - (2) Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will be charged.
2. All charges must be paid for [in ~~cash or by check~~ cash, check, or online service] in advance of receiving the copies.

[Note: the district should identify the payment methods that it will accept.]

B. Summary Data

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

C. Data Belonging to an Individual Subject

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

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

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

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

IX. Annual Review and Posting

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

Data Practices Contacts

Responsible Authority:

Superintendent

~~4316 Rice Lake Rd., Suite 108~~

709 Portia Johnson Dr.

Duluth, MN 55811

data.request@isd709.org

Data Practices Compliance Official:

Executive Director of Business Services and Finance

~~4316 Rice Lake Rd., Suite 108~~

709 Portia Johnson Dr.

Duluth, MN 55811

data.request@isd709.org

Data Practices Designee(s):

Business Services Coordinator

~~4316 Rice Lake Rd., Suite 108~~

709 Portia Johnson Dr.

Duluth, MN 55811

data.request@isd709.org

Legal References:

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

Minn. Stat. § 13.01 (Government Data)

Minn. Stat. § 13.02 (Definitions)

Minn. Stat. § 13.025 (Government Entity Obligation)

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

Minn. Stat. § 13.04 (Rights of Subjects to Data)

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

Minn. Stat. § 13.32 (Educational Data)

Minn. Rules Part 1205.0300 (Access to Public Data)

Minn. Rules Part 1205.0400 (Access to Private Data)

Cross References:

MSBA/MASA Model Policy 406 (Public and Private Personnel Data)

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

New Policy

Replacing: Policy 108

First Reading: 09-18-2018

Adopted: 10-16-2018

Reviewed: 10-15-2019

Reviewed: 07-21-2020

First Reading: 11-15-2022

Second Reading: 12-20-2022

Reviewed:

206 PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS ABOUT PERSONS AT SCHOOL BOARD MEETINGS AND DATA PRIVACY CONSIDERATIONS

I. PURPOSE

- A. The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. At the same time, the school board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public input as well as to protect the due process and privacy rights of individuals under the law.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school board is to encourage input by persons of subjects related to the management of the school district at school board meetings. The school board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free input by all interested parties.
- B. The school board shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.

III. DEFINITIONS

- A. "Personnel data" means government data on individuals maintained because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.
- B. Personnel data on current and former employees that is "public" includes:

Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. § 13.43, Subd. 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 public body; the complete terms of any agreement settling any dispute arising out of the employment relationship, including a buyout agreement as defined in Minn. Stat. § 123B.143, Subd. 2, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; work telephone number; badge number; work-related continuing education; honors and awards received; and payroll time sheets or other comparable data that are only used 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.
- C. Personnel data on current and former applicants for employment that is "public" includes:

Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection.

- D. "Educational data" means data maintained by the school district which relates to a student.
- E. "Student" means an individual currently or formerly enrolled or registered in the school district, or applicants for enrollment, or individuals who receive shared time services.
- F. Data about applicants for appointments to a public body, including a school board, collected by the school district as a result of the applicant's application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat. § 15.0597; and veteran status. Once an individual has been appointed to a public body, the following additional items of data are public: residential address; either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; the first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and, upon completion of an investigation of a complaint or charge against an appointee, the final investigative report unless access to the data would jeopardize an active investigation. 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.

IV. RIGHTS TO PRIVACY

- A. School district employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
 - 1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
 - 2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
 - 3. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
 - 4. right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:

1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

V. THE PUBLIC'S OPPORTUNITY TO BE HEARD

The school board will strive to give all persons an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

VI. PUBLIC COMMENT

The school board shall provide time when persons may address the school board on any topic, subject to the limitations of this policy. The school board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

The school board may decide to hold certain types of public meetings where the public will not be invited to address the school board. Possible examples are work sessions and board retreats. The public will still be entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the board.

VII. LISTENING SESSIONS

The School Board will conduct a listening session prior to the monthly regular School Board meeting from 5:30 p.m. to 6:15 p.m.

Duluth Public Schools parents/caregivers, students and staff, and Duluth residents are invited to comment to the School Board. Individuals wishing to speak at a listening session must register in advance with the Office of the Superintendent by giving their name, address city, and phone number, and indicate the topic to be addressed (superintendent@isd709.org or 218.336.8752).

Registration, along with any prepared background information, if appropriate, is to be submitted to the Office of the Superintendent no later than Monday NOON on the day before the listening session. Individuals' comment time allocation will be limited to approximately three (3) minutes, depending upon the number of people registered for the listening session. With advance notice to registered speakers, the School Board Chair reserves the right to adjust the time of the listening Session.

Listening sessions are held prior to a regular monthly School Board meeting. The School Board will listen to comments and, typically, not respond during the session. Generally, matters are referred to Administration.

The School Board Chair has the responsibility of maintaining order and upholding the core values of the District. Decorum is to be maintained during the listening session. If at any time, the rights of persons involved appear to be at risk of not being protected, the Board Chair can call a recess or end the listening session.

VIII. PROCEDURES

A. Agenda Items

1. Persons who wish to address the school board on a particular subject should identify the subject and identify agenda item(s) to which their comments pertain.
1. The school board chair will recognize one speaker at a time and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
2. The school board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the school board. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
3. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.
4. The school board chair shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
5. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
6. Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.
7. Public comment at other meetings will be limited to the issue(s) on the agenda for that meeting. Public comment may or may not be taken at meetings where there is no official action.

B. Complaints

1. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.
2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the superintendent.
3. Unresolved complaints from Paragraph 1. of this section or problems concerning the school district should be directed to the superintendent's office.

4. Complaints which are unresolved at the superintendent's level may be brought before the school board by notifying the school board in writing.

C. No Board Action at Same Meeting

Except as determined by the school board to be necessary or in an emergency, the school board will not take action at the same meeting on an item raised for the first time by the public.

IX. PENALTIES FOR VIOLATION OF DATA PRIVACY

- A. The school district is liable for damages, costs and attorneys' fees, and, in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor. (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)
Minn. Stat. § 13D.05 (Meetings Having Data Classified as Public)
Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures; Closed or Open Meeting)
Minn. Stat. § 122A.33, Subd. 3 (License and Degree Exemption for Head Coach, Notice of Nonrenewal; Opportunity to Respond)
Minn. Stat. § 122A.40, Subd. 14 (Employment; Contracts; Termination; Hearing Procedures)
Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)
Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School Districts; Employees; Contracts for Services)
Minn. Stat. § 123B.143, Subd. 2 (Superintendents; Disclose Past Buyouts or Contract is Void)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
Minn. Op. Atty. Gen. 852 (July 14, 2006)

Cross References: MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
MSBA/MASA Model Policy 207 (Public Hearings)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA School Law Bulletin "C" (Minnesota's Open Meeting Law)
MSBA School Law Bulletin "I" (School Records – Privacy – Access to Data)

First Reading: 10.20.2020
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Adoption: 10.15.2020
First Reading: 10.17.2023
Second Reading: 11.21.2023
Adoption: 11.21.2023

535 539 COUNSELING REGARDING PRE-CAREER AND TECHNICAL PROGRAMS

I. PURPOSE

- A. Counseling Materials: The purpose of this policy is to identify a procedure, tools and staff responsible to regularly evaluate whether District, counselor, or teacher developed promotional materials create or perpetuate stereotypes or limitations based on race, color, national origin, sex or disability.
- B. Disproportionate Enrollment: The District shall evaluate whether the disproportionate enrollment is the result of discrimination, address instances of disproportionate enrollment and take steps to encourage nontraditional participation and equity with respect to race, sex and disability.

II. DEFINITIONS

- A. "Counseling Materials" are materials used for the purpose of promoting career and technical programs.
- B. "Disproportionate Enrollment" is the ratio between the percentage of persons in a particular race, sex, or disability demographic compared to the percentage of the race, sex, or disability demographic of all students enrolled.

III. COUNSELING MATERIALS

Establishing Bias-Free Materials

- A. District staff shall ensure that counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, homelessness, or English Learner status. District staff will encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills rather than race, color, sex, gender identity, religion, national origin, disability, homelessness, or English Learner status. The Superintendent or designee shall yearly examine counseling and testing materials for bias and address any bias found therein.
- B. The Superintendent or designee will ensure compliance with our counseling practices via interviews with staff, a review of counseling materials, and discussions with students and parents/guardians on a yearly basis.
- C. If a particular class is disproportionately male or female, the District must make sure this situation did not result because of a sex-biased counseling, a hostile environment, or the use of discriminatory counseling and/or testing methods.

IV. DISPROPORTIONATE ENROLLMENT

- A. After classes are set and students have registered, the Superintendent or designee will review enrollment numbers, determine if there is disproportionate enrollment, and consider what can be changed to increase enrollment in classes. When disproportionate enrollment occurs, the District must assess counseling materials and activities and make appropriate revisions, address any instances of discrimination or bias, or identify a legitimate, nondiscriminatory rationale.

- B. The District needs to demonstrate valid and nondiscriminatory reasons for disproportionate enrollment and ensure that all students are provided nondiscriminatory counseling services. If a disparity is identified, the school district must take action to ensure that the disproportionate enrollment is not the result of discrimination. Such actions may include staff training, reviewing master schedule conflicts, assignments of students to courses, recruitment efforts, and counseling information provided to students.

Examples of what can be done:

1. Analyze course enrollment data to identify disproportionate enrollment of minority, female and students with disabilities
2. Identify discriminatory practices in existing programs, policies and procedures.
3. Review guidance materials for stereotypes.
4. Improve the process to ensure all students and parents are informed of all course and program offerings.
5. Make sure course catalogs and brochures are periodically reviewed for bias.
6. Is the process for developing student schedules reviewed to ensure that counselors and advisors are not discouraging any student from enrolling in a particular program or course based on factors not related to program criteria?
7. Consider taking specific steps to encourage students to enroll in courses that are non-traditional.
8. Consider approaches to reduce disproportionate enrollment in future years. Examples: bring in speakers to discuss non-traditional careers with students, holding open-houses, displaying student work, offering college credit for courses, conducting survey of parent/student interest, after-school clubs, renaming courses or rewriting course descriptions.
9. Support training of staff members or administration on non-traditional enrollment, particularly on strategies to engage female students in STEM courses.

First Reading:
Adopted:

1/22/2019
2/26/2019 ISD 709