

Policy Committee Meeting
Duluth Public Schools, ISD 709
Agenda
Thursday, October 9, 2025
District Services Center
709 Portia Johnson Dr.
Duluth, MN 55811
4:30 PM

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Adopted: _____

MSBA/MASA Model Policy 303

Orig. 1995

Revised: _____

Rev. 2022

303 SUPERINTENDENT SELECTION

I. PURPOSE

The purpose of this policy is to convey to the school community that the authority to select and employ a superintendent is vested in the school board.

II. GENERAL STATEMENT OF POLICY

The school board shall employ a superintendent to serve as the chief executive officer of the school district and to conduct the daily operations of the school district.

III. QUALIFICATIONS

- A. The school board shall consider applicants who meet or exceed the licensing standards set by the Minnesota Board of School Administrators and qualifications established in the job description for the superintendent position. State and federal equal employment and nondiscrimination requirements shall be observed throughout the recruitment and selection process.
- B. The school board will consider professional preparation, experience, skill, and demonstrated competence of qualified applicants in making a final decision.

IV. SELECTION

- A. A process for recruitment, screening, and interviewing of candidates shall be developed by the school board.
- B. The school board may contract for assistance in the search for a superintendent.
- C. The school board shall provide the contract for the superintendent and specifically identify all conditions of employment mutually agreed upon with the superintendent. In so doing, the school board shall observe all requirements of state and federal law and school board policy.

Legal References: Minn. Stat. § 123B.143 (Superintendent)
Minn. Rules, Chapter 3512

Cross References: None

Adopted: _____

MSBA/MASA Model Policy 304

Orig. 1995

Revised: _____

Rev. 2022

304 SUPERINTENDENT CONTRACT, DUTIES, AND EVALUATION

I. PURPOSE

The purpose of this policy is to provide for the use of an employment contract with the superintendent, a position description, and the use of an approved instrument to evaluate performance.

II. GENERAL STATEMENT OF POLICY

- A. The superintendent's contract shall be used to formalize the employment relationship and to specifically identify and clarify all conditions of employment with the superintendent.
- B. The specific duties for which the superintendent is accountable shall be set forth in a position description for the superintendent and shall be measured by a performance appraisal instrument approved by the school board in consultation with the superintendent. The school board shall use this instrument to periodically evaluate the performance of the superintendent.
- C. The school board may use the model contract approved by the boards of the Minnesota School Boards Association and the Minnesota Association of School Administrators as a model instrument.

Legal References: Minn. Stat. § 123B.143 (Superintendent)

Cross References: None

Adopted: _____

Revised: _____

MSBA/MASA Model Policy 306
Orig. 1995
Rev. 2002

306 ADMINISTRATOR CODE OF ETHICS

I. PURPOSE

The purpose of this policy is to establish the requirements of the school board that school administrators adhere to the standards of ethics and professional conduct in this policy and Minnesota law.

II. GENERAL STATEMENT OF POLICY

- A. An educational administrator's professional behavior must conform to an ethical code. The code must be idealistic and at the same time practical, so that it can apply reasonably to all educational administrators. The administrator acknowledges that the schools belong to the public they serve for the purpose of providing educational opportunities to all. However, the administrator assumes responsibility for providing professional leadership in the school and community. This responsibility requires the administrator to maintain standards of exemplary professional conduct. It must be recognized that the administrator's actions will be viewed and appraised by the community, professional associates, and students. To these ends, the administrator must subscribe to the following standards.
- B. The Educational Administrator:
1. Makes the well-being of students the fundamental value of all decision-making and actions.
 2. Fulfills professional responsibilities with honesty and integrity.
 3. Supports the principle of due process and protects the civil and human rights of all individuals.
 4. Obeys local, state, and national laws and does not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
 5. Implements the school board's policies.
 6. Pursues appropriate measures to correct those laws, policies, and regulations that are not consistent with sound educational goals.
 7. Avoids using positions for personal gain through political, social, religious, economic, or other influence.
 8. Accepts academic degrees or professional certification only from duly accredited institutions.
 9. Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.
 10. Honors all contracts until fulfillment, release, or dissolution is mutually agreed upon by all parties to the contract.

11. Adheres to the Code of Ethics for School Administrators in Minnesota Rule.

Legal References: Minn. Stat. § 122A.14, Subd. 4 (Duties of Board of School Administrators)
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)

Cross References: None

301 SCHOOL DISTRICT ADMINISTRATION

I. PURPOSE

The purpose of this policy is to clarify the role of the school district administration and its relationship with the school board.

II. GENERAL STATEMENT OF POLICY

- A. Effective administration and sound management practices are essential to realizing educational excellence. It is the responsibility of the school district administration to develop a school environment that recognizes the dignity of each student and employee, and the right of each student to access educational programs and services equitably.
- B. The school board expects all activities related to school district operations to be administered in a well-planned manner, conducted in an orderly fashion, and to be consistent with the policies of the school board.
- C. The school board shall seek specific recommendations, background information and professional advice from the school district administration and will hold the administration accountable for sound management of the schools.
- D. Although the school board holds the superintendent ultimately responsible for administration of the school district and annual evaluation of each principal, the school board also recognizes the direct responsibility of principals for educational results and effective administration, supervisory, and instructional leadership at the school building level.
- E. The school board and school administration shall work together to share information and decisions that best serve the needs of school district students within financial and facility constraints that may exist.

Legal References: Minn. Stat. § 123B.143 (Superintendent)
Minn. Stat. § 123B.147 (Principals)

Cross References: None

First Reading: 09.16.2025
Second Reading: 10.09.2025
Adopted:

Adopted: _____

MSBA/MASA Model Policy 301

Orig. 1995

Revised: _____

Rev. 2022

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Cross References: None

~~2055 QUALITY OF WORK LIFE – PHILOSOPHY~~

~~It is the goal of the School Board to achieve excellence in teaching, student achievement, community involvement, and general operations throughout the School District. It is the conviction of the School Board that the only way in which that goal may be achieved is through pooling the talent and wisdom of all of the employees of the School District. Therefore, it shall be the policy of the School District that programs of employee involvement and participation in problem solving and decision making processes shall be encouraged. Specifically, excellence in management shall be understood to be that management which:~~

- ~~1. Encourages participation and creativity among staff.~~
- ~~2. Builds commitment to shared goals.~~
- ~~3. Structures employee involvement so employees are routinely involved in decisions which affect them.~~
- ~~4. Sets a high priority on advocating for ideas generated by subordinates.~~
- ~~5. Develops a strong sense of trust and collegiality among all staff members in the pursuit of the goal of excellence.~~

~~Therefore, all supervisory personnel including principals, assistant superintendents, directors, and the Superintendent shall be expected to create and maintain a work environment that encourages employee participation, enhances communications within the School District, and promotes the general welfare of students and the morale of staff. All employees are called upon to work cooperatively and openly to maintain a network of communications which results in a shared pride in shared work and achievement of our common goal of excellence.~~

~~Reference: MS 179A.08, Sec. 9, Subd. I~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 09-11-1984~~

~~06-20-1995 ISD 709~~

305 POLICY IMPLEMENTATION

I. PURPOSE

The purpose of this policy is to clarify the responsibility of the school administration for implementation of school district policy.

II. GENERAL STATEMENT OF POLICY

- A. It shall be the responsibility of the superintendent to implement school district policy and to recommend additions or modifications thereto. The administration is authorized to develop procedures, guidelines, and directives to effectuate the implementation of school district policies. These procedures, guidelines, and directives shall not be inconsistent with said policies. At least annually, these written procedures, guidelines, and directives shall be presented to the school board for review.
- B. Employee and student handbooks shall be subject to annual review and approval by the school board.
- C. School principals and other administrators who have handbook responsibilities shall present recommended changes necessary to reflect new or modified policies. Changes of substance within handbooks shall be reviewed by the superintendent to assure compliance with school district policy and shall be approved by the school board.

Legal References: Minn. Stat. § 123B.143 (Superintendent)

Cross References: MSBA/MASA Model Policy 208 (Development, Adoption, and Implementation of Policies)

First Reading: 09.16.2025

Second Reading: 10.08.2025

Adopted:

Adopted: _____

MSBA/MASA Model Policy 305

Orig. 1995

Revised: _____

Rev. 2022

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Legal References: Minn. Stat. § 123B.143 (Superintendent)

Cross References: MSBA/MASA Model Policy 208 (Development, Adoption, and Implementation of Policies)

~~2070 — POLICIES, REGULATIONS, AND BY LAWS — CONTROL~~

~~The Superintendent will appoint an administrator to establish and maintain an orderly plan for reviewing, updating, and making accessible the policies adopted by the School Board and the administrative rules and regulations needed to put them into effect. Accessibility is to extend to all employees of the School District, and to persons in the community on a need-to-know basis as determined by the Superintendent.~~

~~The Superintendent shall assign to an administrator the responsibility to keep the policies of the School Board up-to-date, and see to it that official copies of changes are sent to all personnel and organizations that have a copy of the Policies, Regulations, and By-Laws of the School Board. All proposed changes in policy must be submitted to the assigned administrator of the Policies, Regulations, and By-Laws where it will be studied and referred to the School Board for adoption or rejection. All books of adopted Policies, Regulations, and By-Laws must be kept up-to-date to ensure uniformity through the School District.~~

~~Adopted: — 06-09-1970 — ISD 709~~

~~Revised: — 06-20-1995 — ISD 709~~

416 DRUG, ALCOHOL, AND CANNABIS TESTING

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug, alcohol, and cannabis testing in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug, alcohol, and cannabis testing in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug, alcohol, and cannabis testing in accordance with the provisions of this policy and as provided in Minnesota Statutes, sections 181.950-181.957.
- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, whether or not it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs that are not medically prescribed, including medical cannabis, whether or not it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs that are not medically prescribed are prohibited from entering or remaining on school district property.
- D. The use, possession, sale, purchase, transfer, or dispensing of alcohol or cannabis is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol or cannabis is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol or cannabis are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline that includes, but is not limited to, immediate suspension without pay and immediate discharge.
- F. The school district may discipline, discharge, or take other adverse personnel action against an employee for cannabis flower, cannabis product, lower-potency hemp edible,

or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working, on school district premises, or operating a school district vehicle, machinery, or equipment as follows:

1. if, as the result of consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product, the employee does not possess that clearness of intellect and control of self that the employee otherwise would have;
2. if cannabis testing verifies the presence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory test;
3. as provided in the school district's written work rules for cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis testing, provided that the rules are in writing and in a written policy that contains the minimum information required by Minnesota Statutes, section 181.952; or
4. as otherwise authorized or required under state or federal law or regulations, or if a failure to do so would cause the school district to lose a monetary or licensing-related benefit under federal law or regulations.

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

A. General Statement of Policy

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

B. Definitions

1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.
2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.
4. "Commercial Motor Vehicle" (CMV) includes a vehicle that is designed to transport 16 or more passengers, including the driver.
5. "Designated Employer Representative" (DER) means an employee authorized by the school district to take immediate action to remove employees from safety sensitive duties, or cause employees to be removed from these covered duties,

and to make required decisions in the testing and evaluation process. The DER receives test results and other communications for the school district.

6. "Department of Transportation" (DOT) means United States Department of Transportation.
7. "Direct Observation" means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.
8. "Driver" is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent, or occasional drivers, leased drivers, and independent owner-operator contractors.
9. "Evidential Breath Testing Device" (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
10. "Licensed Medical Practitioner" means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
11. "Medical Review Officer" (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district's drug testing program and for evaluating medical explanations for certain drug tests.
12. "Refusal to Submit" (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver's provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed by the school district or the collector; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.

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

C. Policy and Educational Materials

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

D. Alcohol and Controlled Substances Testing Program Manager

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

notice of the designation to each driver along with this policy.

E. Specific Prohibitions for Drivers

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.
8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district that prohibit possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

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

G. Prescription Drugs/Cannabinoid Products

A driver shall inform the driver's supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis. MROs will verify a drug test confirmed as positive, even if a driver claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.

H. Testing Requirements

1. Pre-Employment Testing

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

2. Post-Accident Testing

- a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances, including medical cannabis, if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.

- b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.
- c. Drivers should be tested for controlled substances, including medical cannabis, no later than thirty-two (32) hours after the accident.
- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.
- e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.
- f. If a post-accident alcohol test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.
- g. The school district shall report drug and alcohol program violations to the Clearinghouse as required under federal law.

3. Random Testing

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

4. Reasonable Suspicion Testing
 - a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty, within four (4) hours before coming on duty, or just after the period of the work day. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
 - b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
 - c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.
 - d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.
5. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances. The school district is not required to return a driver to safety-sensitive duties because the driver has met these conditions; this is a personnel decision subject to collective bargaining agreements or other legal requirements.
6. Follow-Up Testing. When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.
7. Refusal to Submit and Attendant Consequences
 - a. A driver or driver applicant may refuse to submit to drug and alcohol testing.
 - b. Refusal to submit to a required drug or alcohol test subjects the driver

or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 United States Code section 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.

- c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.
- d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety sensitive functions.
- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment C to this policy.

I. Testing Procedures

1. Drug Testing

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.
- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy two (72) hours from the time of notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.

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

2. Alcohol Testing

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a “negative” test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor’s inability to provide a breath sample is genuine or constitutes a refusal to test.

- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.
- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

- 1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver's or driver applicant's expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.
- 2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and
 - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
 - c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing laboratory for controlled substances will be [Perrin Mobile Medical, 9010 E Pettit Dr., Barnes, WI 54873, 715-378-2269], which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

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

M. Recordkeeping Requirements and Retention of Records

- 1. The school district shall keep and maintain records in accordance with the

federal regulations in a secure location with controlled access.

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

Basic records 5 years

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

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

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

3. Personal Information

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

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

N. Training

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

O. Consequences of Prohibited Conduct and Enforcement

1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to duty requirements of federal DOT regulations have been completed.
2. Referral, Evaluation, and Treatment
 - a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.
 - b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.
 - c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
 - d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.
3. Disciplinary Action
 - a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
 - b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
 - c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

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

Q. Report to Clearinghouse

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

R. Annual Clearinghouse Query

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

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

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

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

A. Definitions

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

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

8. "Oral fluid test" means analysis of a saliva sample for the purpose of measuring the presence of the same substances as drug and alcohol testing and cannabis testing that:
 - a. can detect drugs, alcohol, cannabis, or their metabolites in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1; and
 - b. does not require the services of a testing laboratory under section 181.953, subdivision 1.
9. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."
10. "Positive Test Result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
11. "Random Selection Basis" means a mechanism for selection of employees that:
 - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
 - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
12. "Reasonable Suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
13. "Safety-Sensitive Position" means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person.

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

1. General Limitations

- a. The school district may not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing or cannabis testing, unless the testing is done pursuant to this policy; and either (1) is conducted by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1; or (2) complies with the oral fluid test procedures under section 181.953, subdivision 5a.
- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug, alcohol, or cannabis testing on an arbitrary and capricious basis.

2. Cannabis Testing Exceptions

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

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

3. Job Applicant Testing

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

- a. The school district must not request or require a job applicant to undergo cannabis testing solely for the purpose of determining the presence or absence of cannabis as a condition of employment unless otherwise required by state or federal law.
- b. Unless otherwise required by state or federal law, the school district must not refuse to hire a job applicant solely because the job applicant submits to a cannabis test or a drug and alcohol test authorized by

Minnesota law and the results of the test indicate the presence of cannabis.

- c. The school district must not request or require an employee or job applicant to undergo cannabis testing on an arbitrary or capricious basis.
- d. Cannabis testing authorized under paragraph (d) must comply with the safeguards for testing employees provided in Minnesota Statutes, sections 181.953 and 181.954.

4. Oral fluid testing

- a. When drug and alcohol testing or cannabis testing is otherwise authorized under Minnesota Statutes, section 181.951, the school district may request an employee or job applicant to undergo oral fluid testing according to the procedures under Minnesota Statutes, section 181.953, subdivision 5a as an alternative to using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1.
- b. The employee must be informed of the test result at the time of the oral fluid test. Within 48 hours of an oral fluid test that indicates a positive test result or that is inconclusive or invalid, the employee or job applicant may request drug or alcohol testing or cannabis testing at no cost to the employee or job applicant using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1, and according to the existing laboratory testing standards in subdivisions 1 to 5. The rights, notice, and limitations in Minnesota Statutes, section 181.953, subdivision 6, paragraph (b), and subdivisions 7 to 8 and 10 to 11 apply to an employee or job applicant and a laboratory test conducted pursuant to this paragraph.
- c. If the laboratory test under paragraph (b) above indicates a positive result, any subsequent confirmatory retest, if requested by the employee or job applicant, must be conducted following the retest procedures provided in Minnesota Statutes, section 181.953, subdivision 6, paragraph (c), and subdivision 9 at the employee's or job applicant's own expense.
- d. Nothing in this subdivision is intended to modify the existing requirements for drug and alcohol testing or cannabis testing in the workplace under Minnesota Statutes, sections 181.950 to 181.957, unless stated otherwise.

5. Random Testing

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

6. Reasonable Suspicion Testing

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

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

7. Treatment Program Testing

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

8. Routine Physical Examination Testing

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

C. No Legal Duty to Test

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

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

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

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

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

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

2. Notice of Test Results

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

3. Notice of and Right to Test Result Report

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

4. Notice of and Right to Explain Positive Test Result

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

b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

c. The employee may present verification of enrollment in the medical

cannabis patient registry or of enrollment in a Tribal medical cannabis program as part of the employee's explanation.

- d. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis. MROs will verify a drug test confirmed as positive, even if an employee claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.
- e. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

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

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

Attachments E and F to this policy provide the Notices described in Paragraphs 2. through 6. of this Section E.

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

- 1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.

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

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

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

H. Chain-of-Custody Procedures

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

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

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

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

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

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

with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

4. Privilege

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

J. Notice of Testing Policy to Affected Employees

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

V. POSTING

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

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

Cross-References: MSBA/MASA Model Policy 403 (Discipline, Suspension, And Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

Replacing: Policies 4035 & 4050
Adopted: 08.16.2022
Reviewed: 01.28.2025

ATTACHMENT A

— DRIVER ACKNOWLEDGMENT —

DRUG AND ALCOHOL TESTING POLICY AND MATERIALS

I have received a copy of the Drug, **and** Alcohol, and Cannabis Testing Policy of Independent School District No. 709 Duluth, Minnesota and have read it in its entirety. I understand that I am subject to the provisions of Article III of the policy, entitled Federally Mandated Drug and Alcohol Testing for School Bus Drivers, because the position involves operating a commercial motor vehicle and requires a commercial driver's license.

The District's policy was provided to me:

- Upon adoption of the policy (employee).
- Upon my hire (job applicant/new employee).
- After receipt of my conditional job offer, before any testing if my job offer is contingent upon my passing of drug and alcohol testing (job applicant).

I also received materials concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or **drug** controlled substance problem; and available methods of intervening when an alcohol or drug problem is suspected.

I have been advised that the Alcohol and Controlled Substances Testing Program Manager is Jeremy Kasapidis, Transportation Manager and that any questions I may have concerning the Policy should be directed to the Program Manager.

Dated: _____

Signature of Employee/Applicant

Typed or Printed Name

ATTACHMENT B

— BUS DRIVER OR DRIVER APPLICANT —
CONSENT TO SCHOOL DISTRICT CONDUCT
OF CLEARINGHOUSE FULL QUERY

Before employing a driver subject to controlled substances and alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver’s License (CDL) Drug and Alcohol Clearinghouse (“Clearinghouse”) to obtain information about whether the driver

- (1) has a verified positive, adulterated, or substituted controlled substances test result;
- (2) has an alcohol confirmation test with a concentration of 0.04 or higher;
- (3) has refused to submit to a test in violation of federal law; or
- (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following an accident in violation of federal law or used a controlled substance in violation of federal law.

The applicant must give specific written or electronic consent for the school district to conduct the Clearinghouse full query. The school district shall retain the consent for three (3) years from the date of the query.

I consent to the school district’s conduct of a Clearinghouse full query.

Dated: _____

Signature of Applicant

Typed or Printed Name

ATTACHMENT C

— BUS DRIVER OR DRIVER APPLICANT — REFUSAL TO SUBMIT TO TESTING

I hereby refuse to submit to drug/alcohol testing by doing the following:

- Failing to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so;
- Failing to remain at the testing site until the testing process is complete;
- Failing to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test;
- Failing to permit the observation or monitoring of any provision of a specimen in the case of a directly observed or monitored collection in a drug test;
- Failing to provide a sufficient breath specimen or sufficient amount of urine when directed and it has been determined that there was no adequate medical explanation for the failure;
- Failing or declining to take a second test as directed;
- Failing to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO) or the Designated Employer Representative (DER);
- Failing to cooperate with any part of the testing process (e.g., refusing to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process, failing to wash hands after being directed to do so by the collector, failing to sign the certification on the form);
- Failing to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process;
- Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- Admitting to the collector or MRO that the driver adulterated or substituted the specimen; or
- Having a verified adulterated or substituted test as reported by the MRO.

[An applicant who fails to appear for a pre employment test, who leaves the testing site before the pre employment testing process commences, or who does not provide a urine specimen because he or she left before it commences, is not deemed to have refused to submit to testing.]

I recognize that my refusal subjects me to the consequences specified in federal law and regulations. It also constitutes a presumption of a positive result. I further recognize that if I am an applicant, I will be disqualified from consideration for the conditionally-offered position. If I am an employee, I will not be permitted to perform safety-sensitive functions, and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If the school district offers me an opportunity to return to a DOT safety-sensitive function, I understand I will be evaluated by a substance abuse professional, and will be required to submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.

Date: _____

Time: _____

Signature of Employee/Applicant

Supervisor: _____

Supervisor's Signature

Comments: _____

Employee refusal to sign

Supervisor's Initials: _____

ATTACHMENT D

-PRETEST NOTICE-

I, the undersigned employee/job applicant of Independent School District No. 709, Duluth , Minnesota ("School District") do hereby acknowledge that I have been provided a copy of the School. District's Drug, Alcohol, and Cannabis Testing Policy.

Date: _____

Signature of Employee/Job Applicant

Typed or Printed Name

ATTACHMENT E

[Employee Name]
[Employee Address]

RE: Drug, ~~and/or~~ Alcohol, and/or Cannabis Test
[Date of Testing]

NOTICE OF TEST RESULTS AND VARIOUS RIGHTS

Test Results:

Independent School District No. 709, Duluth, Minnesota has received the test result report from the testing laboratory:

- Your initial screening test result was negative.
- Your confirmatory test result was negative.
- Your confirmatory test result was positive.

Test Result Report:

You have the right to request and receive from the school district a copy of the test result on any drug, ~~or~~ alcohol test or cannabis test.

Right to Explain Positive Test Result:

In the case of a positive test result on a confirmatory test, you have the right to explain the results. You may, within three (3) working days after notice of a positive test result on a confirmatory test, submit information to the school district, in addition to any information already submitted, to explain that result. Attached to this Notice is a document entitled "Explanation of Positive Test Result" for this purpose.

Right to Request Confirmatory Retests:

In the case of a positive test result on a confirmatory test, you have the right to request a confirmatory retest of the original sample at your own expense.

Within five (5) working days after notice of the confirmatory test result, you must notify the school district in writing of your intention to obtain a confirmatory retest.

Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that you have requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug, or alcohol, or cannabis threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against you.

Other Rights:

In the case of a positive test result on a confirmatory test, you may have other rights provided under the sections detailed below.

A. Employee Discharge and Discipline

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee whose position does not require a commercial driver's license on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.

In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.

2. The school district may not discharge an employee whose position does not require a commercial driver's license for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol or cannabis counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
 - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
3. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
4. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire.
5. An employee must be given access to information in the employee's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing or cannabis testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

B. Withdrawal of Applicant's Job Offer

If a job applicant for a position that does not require a commercial driver's license has received a job offer made contingent on the applicant passing drug, ~~and~~ alcohol, and/or cannabis testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.

ATTACHMENT F

EXPLANATION OF POSITIVE TEST RESULT

I, the undersigned employee/job applicant of Independent School District No. 709, Duluth, Minnesota acknowledge receipt of a Notice of Test Results and Various Rights. This includes my right to explain the positive test result on a confirmatory test.

I am currently taking or have recently taken:

- no over-the-counter or prescription medications; or
- the following over-the-counter or prescription medications:

I also offer the following information relevant to the reliability of, or explanation for, a positive test result:

Date: _____

Signature of Employee/Job Applicant

Typed or Printed Name

ATTACHMENT G

— ACKNOWLEDGMENT —

DRUG, ~~AND~~ ALCOHOL, AND CANNABIS TESTING POLICY

I have received a copy of the Drug, ~~and~~ Alcohol, and Cannabis Testing Policy of Independent School District No. 709, Duluth, Minnesota and have read it in its entirety.

The District's policy was provided to me:

- Upon adoption of the policy (employee)
- Upon my hire (job applicant/new employee)
- After receipt of my conditional job offer, before any testing if my job offer is contingent upon my passing of drug, ~~and~~ alcohol, and cannabis testing as applicable. (job applicant)

Dated: _____

Signature of Employee/Applicant

Typed or Printed Name

ATTACHMENT H

— ACKNOWLEDGMENT —

**GENERAL CONSENT FOR LIMITED QUERIES OF THE FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION (FMCSA) DRUG AND ALCOHOL CLEARINGHOUSE**

I, _____, hereby provide consent to Duluth Public Schools ISD 709 (“the District”) to conduct a limited query of the FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse (“Clearinghouse”) to determine whether drug or alcohol violation information about me exists in the Clearinghouse for the duration of my employment with the District.

I understand that if the limited query conducted by the District indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the District without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the District to conduct a limited query of the Clearinghouse, the District must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA’s drug and alcohol program regulations.

Dated: _____

Signature of Employee/Applicant

Typed or Printed Name

621 LITERACY AND THE READ ACT

I. PURPOSE

This policy aligns with Minnesota law established in the Read Act and on other topics related to reading.

Duluth Public Schools places a high value on literacy as a core component of students' educational journey. The school district is committed to providing evidence-based reading instruction that is consistent with the Read Act, ensuring that students develop strong reading and writing skills. The school district emphasizes a comprehensive, standards based approach to literacy, encompassing foundational skills, vocabulary development, reading fluency, and reading comprehension. This dedication to literacy aims to equip every student with the essential tools for academic success and lifelong learning in all subject areas.

II. GENERAL STATEMENT OF POLICY

The school district recognizes the centrality of reading in a student's educational experience.

III. DEFINITIONS

- A. "Evidence-based" means the instruction or item described is based on reliable, trustworthy, and valid evidence and has demonstrated a record of success in increasing students' reading competency in the areas of phonological and phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension. Evidence-based literacy instruction is explicit, systematic, and includes phonological and phonemic awareness, phonics and decoding, spelling, fluency, vocabulary, oral language, and comprehension that can be differentiated to meet the needs of individual students. Evidence-based instruction does not include the three-cueing system, as defined in subdivision 16.
- B. "Fluency" means the ability of students to read text accurately, automatically, and with proper expression.
- C. "Foundational reading skills" includes phonological and phonemic awareness, phonics and decoding, and fluency. Foundational reading skills appropriate to each grade level must be mastered in kindergarten, grade 1, grade 2, and grade 3. Struggling readers in grades 4 and above who do not demonstrate mastery of grade-level foundational reading skills must continue to receive explicit, systematic instruction to reach mastery.
- D. "Literacy specialist" means a person licensed by the Professional Educator Licensing and Standards Board as a teacher of reading, a special education teacher, or a kindergarten through grade 6 teacher, who has completed professional development approved by the Minnesota Department of Education (MDE) in structured literacy. A literacy specialist employed by the department under Minnesota Statutes, section 120B.123, subdivision 7, or by a district as a literacy lead, is not required to complete the approved training before August 30, 2025.
- E. "Literacy lead" means a literacy specialist with expertise in working with educators as adult learners. A district literacy lead must support the district's implementation of the Read Act; provide support to school-based coaches; support the implementation of structured literacy, interventions, curriculum delivery, and teacher training; assist with the development of personal learning plans; and train paraprofessionals and other support staff to support classroom literacy instruction. A literacy lead may be employed by one district, jointly by two or more districts, or may provide services to districts through a partnership with the regional service cooperatives or another district.

- F. "Multitiered system of support" or "MTSS" means a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. The MTSS framework provides access to layered tiers of culturally and linguistically responsive, evidence-based practices and relies on the understanding and belief that every student can learn and thrive. Through a MTSS at the core (Tier 1), supplemental (Tier 2), and intensive (Tier 3) levels, educators provide high quality, evidence-based instruction and intervention that is matched to a student's needs; progress is monitored to inform instruction and set goals and data is used for educational decision making.
- G. "Oral language," also called "~~spoken expressive~~ language," or ~~receptive language~~," includes speaking and listening, and consists of five components: phonology, morphology, syntax, semantics, and pragmatics.
- H. "Phonemic awareness" means the ability to notice, think about, and manipulate individual sounds in spoken syllables and words.
- I. "Phonics instruction" means the explicit, systematic, and direct instruction of the relationships between letters and the sounds they represent and the application of this knowledge in reading and spelling.
- J. "Progress monitoring" means using data collected to inform whether interventions are working. Progress monitoring involves ongoing monitoring of progress that quantifies rates of improvement and informs instructional practice and the development of individualized programs using state-approved screening that is reliable and valid for the intended purpose.
- K. "Reading comprehension" means a function of word recognition skills and language comprehension skills. It is an active process that requires intentional thinking during which meaning is constructed through interactions between the text and reader. Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and implementing specific cognitive strategies to help beginning readers derive meaning through intentional, problem-solving thinking processes.
- L. "Structured literacy" means an approach to reading instruction in which teachers carefully structure important literacy skills, concepts, and the sequence of instruction to facilitate children's literacy learning and progress. Structured literacy is characterized by the provision of systematic, explicit, sequential, and diagnostic instruction in phonemic awareness, phonics, fluency, vocabulary and oral language development, and reading comprehension. ~~This approach is consistent with the principles identified in the science of reading and is designed to ensure all students develop strong foundational literacy skills.~~
- M. "Three-cueing system," also known as "meaning structure visual (MSV)," means a method that teaches students to use meaning, structure and syntax, and visual cues when attempting to read an unknown word.
- N. "Vocabulary development" means the process of acquiring new words. A robust vocabulary improves all areas of communication, including listening, speaking, reading, and writing. Vocabulary growth is directly related to school achievement and is a strong predictor for reading success.

IV. READING SCREENER; PARENT NOTIFICATION AND INVOLVEMENT

- A. The school district must administer an approved ~~evidence-based~~ reading screener to students in kindergarten through grade 3 within the first six weeks of the school year, ~~by February 15 each year~~, and again within the last six weeks of the school year. The

screeener must be one of the screening tools approved by the Minnesota Department of Education (MDE).

- B. The school district must identify any screener it uses in the district's annual literacy plan, and submit screening data with the annual literacy plan by June 15.
- C. Schools, ~~at least biannually~~ after administering each screener, must ~~follow the language access plan under Minnesota Statutes, section 123B.32 and~~ give the parent of each student who is not reading at or above grade level ~~timely~~ information ~~from the screener~~ about:
 - 1. the student's reading proficiency as measured by a screener approved by MDE;
 - 2. reading-related services currently being provided to the student and the student's progress; and
 - 3. strategies for parents to use at home in helping their student succeed in becoming grade-level proficient in reading in English and in their native language.
- D. ~~For students enrolled in dual language immersion programs, the school district must measure the student's reading proficiency in English or in the program's partner language, if available, according to Article V below. Following its language access plan under Minnesota Statutes, section 123B.32, the school district must notify families with timely information about students' reading proficiency, including how the student's reading proficiency is assessed, any reading-related services or supports provided to the student and the student's progress, and strategies for families to use at home in helping students succeed in becoming grade-level proficient in reading in English or the partner language. The dual language immersion program may provide information about national research on reading proficiency for students in dual language immersion programs in the parent notification.~~
- ~~DE.~~ The school district may not use this section to deny a student's right to a special education evaluation.

V. IDENTIFICATION AND REPORT

- A. Students enrolled in kindergarten, grade 1, grade 2, and grade 3, including multilingual learners and students receiving special education services, ~~and students enrolled in dual language immersion programs~~, must be universally screened for mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, oral language, and for characteristics of dyslexia as measured by a screening tool approved by MDE. The screening for characteristics of dyslexia may be integrated with universal screening for mastery of foundational skills and ~~oral expressive or receptive language mastery~~. ~~The screening tool used must be a valid and reliable universal screener that is highly correlated with foundational reading skills. For students reading at grade level, beginning in the winter of grade 2, the oral reading fluency screener may be used to assess reading difficulties, including characteristics of dyslexia, without requiring a separate screening of each subcomponent of foundational reading skills.~~
- B. The school district must submit data on student performance in kindergarten, grade 1, grade 2, and grade 3 on foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language to MDE in the annual local literacy plan submission due on June 15.
- C. ~~For students enrolled in dual language immersion programs:~~

1. if students are screened in the partner language, they must be screened at the same interval as the screenings in English under paragraph A above;
 2. if the program provides instruction in foundational reading skills in English, the students receiving that instruction must be screened in English;
 3. if the program provides instruction in foundational reading skills in the partner language, the students receiving that instruction must be screened in the partner language;
 4. if no screener is available in the partner language, the school district must identify how students' reading proficiency is assessed and how the school district determines and provides targeted reading instruction in the partner language and supports to students identified as needing additional support in developing mastery of foundational reading skills; and
 5. the partner language screening tool must be approved by the school district for kindergarten through grade 3 students.
- ED.** Students in grades 4 and above, including multilingual learners and students receiving special education services, who do not demonstrate mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language, must be screened using a screening tool approved by MDE for characteristics of dyslexia and must continue to receive evidence-based instruction, interventions, and progress monitoring until the students achieve grade-level proficiency. A parent, in consultation with a teacher, may opt a student out of the literacy screener if the parent and teacher decide that continuing to screen would not be beneficial to the student. In such limited cases, the student must continue to receive progress monitoring and literacy interventions.
- DE.** Reading screeners in English, and in the predominant languages of school district students where practicable, must identify and evaluate students' areas of academic need related to literacy. The school district also must monitor the progress and provide reading instruction appropriate to the specific needs of multilingual learners. The school district must use an approved, developmentally appropriate, and culturally responsive screener and annually report summary screener results to the MDE Commissioner by June 15 in the form and manner determined by the MDE Commissioner.
- EF.** The school district must include in its **local** literacy plan a summary of the district's efforts to screen, identify, and provide interventions to students who demonstrate characteristics of dyslexia as measured by a screening tool approved by MDE. With respect to students screened or identified under paragraph (a), the report must include:
1. a summary of the school district's efforts to screen for **characteristics of reading difficulties, including** dyslexia;
 2. the number of students universally screened for that reporting year;
 3. the number of students demonstrating characteristics of dyslexia for that year; and
 4. an explanation of how students identified under this subdivision are provided with alternate instruction and interventions under Minnesota Statutes, section 125A.56, subdivision 1.

VI. INTERVENTION

- A. For each student identified under the screening identification process, the school district shall provide **aligned and targeted** reading intervention to accelerate student growth and reach the goal of reading at or above grade level by the end of the current grade and school year.
- B. The school district must implement progress monitoring, as defined in Minnesota Statutes, section 120B.119, for a student not reading at grade level.
- C. The school district must use evidence-based curriculum and intervention materials at each grade level that are designed to ensure student mastery of phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension. Starting July 1, 2023, if the school district purchases new literacy curriculum, or literacy intervention or supplementary materials, the curriculum or materials must be evidence-based as defined in Minnesota Statutes, section 120B.119.

[NOTE: Starting in the 2026-2027 school year, a school district must use only evidence-based literary interventions. The 2025 Minnesota legislature amended Minnesota Statutes, section 120B.12, subdivision 3, to delay the 2025-26 requirement for one school year.]

- D. If a student does not read at or above grade level by the end of the current school year, the school district must continue to provide **aligned and targeted** reading intervention **as defined by the MTSS framework** until the student reads at grade level. School district intervention methods shall encourage family engagement and, where possible, collaboration with appropriate school and community programs that specialize in evidence-based instructional practices and measure mastery of foundational reading skills, including phonemic awareness, phonics, decoding, fluency, and oral language.
- E. By the 2025-2026 school year, intervention programs must be taught by an intervention teacher or special education teacher who has successfully completed training in evidence-based reading instruction approved by MDE. Intervention may include but is not limited to requiring student attendance in summer school, intensified reading instruction that may require that the student be removed from the regular classroom for part of the school day, extended-day programs, or programs that strengthen students' cultural connections.

VII. LOCAL LITERACY PLAN

- A. The school district must adopt a local literacy plan to have every child reading at or above grade level every year beginning in kindergarten and to support multilingual learners and students receiving special education services in achieving their individualized reading goals. The school district must update and submit the plan to the Commissioner of MDE by June 15 each year. The plan must be consistent with the Read Act, and include the following:
 - 1. a process to assess students' foundational reading skills, oral language, and level of reading proficiency and the screeners used, by school site and grade level, under Minnesota Statutes, section 120B.123;
 - 2. a process to notify and involve parents;
 - 3. a description of how schools in the school district will determine the targeted reading instruction that is evidence-based and includes an intervention strategy for a student and the process for intensifying or

modifying the reading strategy in order to obtain measurable reading progress;

4. evidence-based intervention methods for students who are not reading at or above grade level and progress monitoring to provide information on the effectiveness of the intervention;
 5. identification of staff development needs, including a plan to meet those needs;
 6. the curricula used by school site and grade level **and, if applicable, the district plan and timeline for adopting evidence-based curricula and materials starting in the 2025-2026 school year;**
 7. a statement of whether the school district has adopted a MTSS framework;
 8. student data using the measures of foundational literacy skills and mastery identified by MDE for the following students:
 - a. students in kindergarten through grade 3;
 - b. students who demonstrate characteristics of dyslexia; and
 - c. students in grades 4 to 12 who are identified as not reading at grade level. ~~and~~
 9. the number of teachers and other staff that have completed training approved by the department ~~;~~;
 10. the number of teachers and other staff proposed for training in structured literacy;
 11. how the district used funding provided under the Read Act to implement the requirements of the Read Act;
 12. beginning as soon as practicable after the end of fiscal year 2026, how the district used literacy aid funding received under Minnesota Statutes, section 124D.98; and
 13. beginning on December 31, 2025, for a district with a dual language immersion program:
 - a. the program's partner language;
 - b. grade levels included in the program;
 - c. the language used to screen students' foundational reading skills;
 - d. the percentage of grade 3 students taking the Minnesota Comprehensive Assessments; and
 - e. the number of students in the program in grades 4 to 12 who are identified as not reading at grade level.
- B. **Annually by June 15, t**The school district must post its literacy plan on the official school district website and submit it to the Commissioner of MDE using the template developed by the Commissioner ~~beginning June 15, 2024.~~

- C. The school district must use a streamlined template developed by the Commissioner for local literacy plans that meets the requirements of Minnesota Statutes, section 120B.12, subdivision 4a, and requires all reading instruction and teacher training in reading instruction to be evidence-based.

VIII. STAFF TRAINING

- A. ~~Beginning July 1, 2024, a school district must provide access to the training required under Minnesota Statutes, section 120B.123, subdivision 5, to~~ The district must provide training from a menu of approved evidence-based training programs to the following teachers and staff by July 1, 2026:

1. ~~reading~~ intervention teachers working with students in kindergarten through grade 12;
2. all classroom teachers of students in kindergarten through grade 3 and children in prekindergarten programs;
3. ~~kindergarten through grade 12~~ special education teachers ~~responsible for foundational reading instruction;~~
4. curriculum directors;
5. instructional support staff, ~~contractors, and volunteers who assist in providing reading interventions under the oversight and monitoring of a trained licensed teacher; who provide reading instruction; and~~
6. employees who select literacy instructional materials for a district; ~~and~~
7. ~~teachers holding English as a second language teaching licenses.~~

- B. The school district must provide training from a menu of approved evidence-based training programs to ~~the following teachers by July 1, 2027:~~

1. ~~teachers who provide foundational reading instruction to students in grades 4 to 12;~~
2. ~~teachers who provide instruction to students in a state-approved alternative program; and~~
3. ~~teachers who provide instruction to students in dual language immersion programs.~~

~~all reading intervention teachers, literacy specialists, and other teachers and staff identified in Minnesota Statutes, section 120B.12, subdivision 1, paragraph (b), by July 1, 2025; and by July 1, 2027, to other teachers in the school district, prioritizing teachers who work with students with disabilities, English learners, and students who qualify for the graduation incentives program under Minnesota Statutes, section 124D.68. The Commissioner of MDE may grant a school district an extension to these deadlines.~~

- C. By August 30, 2025, the school district must employ or contract with a literacy lead, or be actively supporting a designated literacy specialist through the process of becoming a literacy lead. The school board may satisfy the requirements of this subdivision by contracting with another school board or cooperative unit under Minnesota Statutes, section 123A.24 for the services of a literacy lead by August 30, 2025. The school district literacy lead must collaborate with school district administrators and staff to

support the school district's implementation of requirements under the Read Act.

- D. Training provided by the following may satisfy the professional development requirements under this Article:
1. a certified trained facilitator; or
 2. a training program that MDE has determined meets the professional development requirements under the Read Act.

IX. STAFF DEVELOPMENT

- A. The school district must provide training programs on evidence-based reading instruction to teachers and instructional staff in accordance with subdivision 1, paragraph (b). The training must include teaching in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, reading comprehension, and culturally and linguistically responsive pedagogy.
- B. The school district shall use the data under Article V. above to identify the staff development needs so that:
1. elementary teachers are able to implement explicit, systematic, evidence-based instruction in the five reading areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension with emphasis on mastery of foundational reading skills as defined in Minnesota Statutes, section 120B.119 and other literacy-related areas including writing until the student achieves grade-level reading and writing proficiency;
 2. elementary teachers have sufficient training to provide students with evidence-based reading and oral language instruction that meets students' developmental, linguistic, and literacy needs using the intervention methods or programs selected by the school district for the identified students;
 3. licensed teachers employed by the school district have regular opportunities to improve reading and writing instruction;
 4. licensed teachers recognize students' diverse needs in cross-cultural settings and are able to serve the oral language and linguistic needs of students who are multilingual learners by maximizing strengths in their native languages in order to cultivate students' English language development, including ~~oral~~ academic language development, and build academic literacy; and
 5. licensed teachers are well trained in culturally responsive pedagogy that enables students to master content, develop skills to access content, and build relationships.
- C. The school district must provide staff in early childhood programs sufficient training to provide children in early childhood programs with explicit, systematic instruction in phonological and phonemic awareness; oral language, including listening comprehension; vocabulary; and letter-sound correspondence.

X. LITERACY ~~INCENTIVE~~ AID USES

The school district must use its literacy ~~incentive~~ aid to ~~support implementation of evidence-based reading instruction~~ meet the requirements and goals adopted in the school district's local literacy plan. ~~The following are eligible uses of literacy incentive aid:~~

- ~~1. training for kindergarten through grade 3 teachers, early childhood educators, special education teachers, reading intervention teachers working with students in kindergarten through grade 12, curriculum directors, and instructional support staff that provide reading instruction, on using evidence-based screening and progress monitoring tools;~~
- ~~2. evidence-based training using a training program approved by MDE;~~
- ~~3. employing or contracting with a literacy lead, as defined in Minnesota Statutes, section 120B.119;~~
- ~~4. materials, training, and ongoing coaching to ensure reading interventions under Minnesota Statutes, section 125A.56, subdivision 1, are evidence-based; and costs of substitute teachers to allow teachers to complete required training during the teachers' contract day.~~

[NOTE: The 2025 Minnesota legislature amended Minnesota Statutes, section 124D.98 to enact these changes.]

Legal References: Minn. Stat. § 120B.119 (Read Act Definitions)
Minn. Stat. § 120B.12 (Read Act Goal and Interventions)
Minn. Stat. § 120B.123 (Read Act Implementation)
Minn. Stat. § 123A.24 (Withdrawing from a Cooperative Unit; Appealing Denial of Membership)
Minn. Stat. § 124D.68 (Graduation Incentives Program)
Minn. Stat. § 124D.98 (Literacy Incentive Aid)
Minn. Stat. § 125A.56 (Alternate Instruction Required before Assessment Referral)

Cross References: None

First Reading: 11.26.24
Second Reading: 12.03.24
Adopted: 12.17.24

508 EXTENDED SCHOOL YEAR FOR CERTAIN STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS

I. PURPOSE

The purpose of this policy is to ensure that the school district complies with the overall requirements of law as mandated for certain students subject to individualized education programs (IEPs) when necessary to provide a free appropriate public education (FAPE).

II. GENERAL STATEMENT OF POLICY

- A. Extended School Year Services Must Be Available to Provide a FAPE. The school district shall provide extended school year (ESY) services to a student who is the subject of an IEP if the student's IEP team determines the services are necessary during a break in instruction in order to provide a FAPE.
- B. Extended School Year Determination. At least annually, the IEP team must determine that a student is in need of ESY services if the student meets any of the following conditions:
 - 1. There will be significant regression of a skill or acquired knowledge from the student's level of performance on an annual goal that requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate; OR
 - 2. Services are necessary for the student to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the student's age and level of development, and the timeliness for teaching the skill; OR
 - 3. The IEP team otherwise determines, given the student's unique needs, that ESY services are necessary to ensure the pupil receives a FAPE.
- C. Required Factors Schools Must Consider in Making ESY Determinations. The IEP team must decide ESY eligibility using information including:
 - 1. Prior observations of the student's regression and recoupment over the summer;
 - 2. Observations of the student's tendency to regress over extended breaks in instruction during the school year; and
 - 3. Experience with other students with similar instructional needs.
- D. Additional Factors to Consider, Where Relevant. In making its determination of ESY needs, the following factors must be considered, where relevant:
 - 1. The student's progress and maintenance of skills during the regular school year.
 - 2. The student's degree of impairment.
 - 3. The student's rate of progress.
 - 4. The student's behavioral or physical problems.
 - 5. The availability of alternative resources.

6. The student's ability and need to interact with nondisabled peers.
 7. The areas of the student's curriculum which need continuous attention.
 8. The student's vocational needs.
- E. No Unilateral Decisions. In the course of providing ESY services to children with disabilities, the school district may not unilaterally limit the type, amount, or duration of those services.
- F. Services to Nonresident Students Temporarily Placed in School District. A school district may provide ESY services to nonresident children with disabilities temporarily placed in the school district in accordance with applicable state law.

Legal References: Minn. Stat. § 125A.14 (Extended School Year)
Minn. Rules Part 3525.0755
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
34 C.F.R. Part 300 (IDEA Regulations)

First Reading: 05.03.2022 ~~May 3, 2022~~
Second Reading: 06.07.2022
Adopted: 06.21.2022 ~~June 21, 2022~~
Reviewed:

101.1 NAME OF THE SCHOOL DISTRICT

I. PURPOSE

The purpose of this policy is to clarify the name of the school district.

II. GENERAL STATEMENT OF POLICY

Pursuant to statute, the official name of the school district is Independent School District No. 709. However, the school district is often referred to by other informal names. In order to avoid confusion and to encourage consistency in school district letterheads, signage, publications and other materials, the school board intends to establish a uniform name for the school district.

III. UNIFORM NAME

- A. The name of the school district shall be Duluth Public Schools.
- B. The name specified above may be used to refer to the school district and may be shown on school district letterheads, signage, publications and other materials.
- C. In official communications and on school district ballots, the school district shall be referred to as Independent School District No. 709 Duluth Public Schools, but inadvertent failure to use the correct name shall not invalidate any legal proceeding or matter or affect the validity of any document.

Legal References: Minn. Stat. § 123A.55 (Classes, Number)

Cross References: None

First Reading: 03.22.2016 ~~March 22, 2016~~
Adopted: 04.19.2016 ~~April 19, 2016 ISD 709~~
Reviewed: 10.18.2022 ~~October 18, 2022~~
Reviewed:

101 LEGAL STATUS OF THE SCHOOL DISTRICT

I. PURPOSE

A primary principle of this nation is that the public welfare demands an educated and informed citizenry. The power to provide for public education is a state function vested in the state legislature and delegated to local school districts. The purpose of this policy is to clarify the legal status of the school district.

II. GENERAL STATEMENT OF POLICY

- A. The school district is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. The school district has been created for educational purposes.
- B. The legislature has authority to prescribe the school district's powers and privileges, its boundaries and territorial jurisdictions.
- C. The school district has only the powers conferred on it by the legislature; however, the school board's authority to govern, manage, and control the school district, to carry out its duties and responsibilities, and to conduct the business of the school district includes implied powers in addition to any specific powers granted by the legislature.

III. RELATIONSHIP TO OTHER ENTITIES

- A. The school district is a separate legal entity.
- B. The school district is coordinate with and not subordinate to the county(ies) in which it is situated.
- C. The school district is not subservient to municipalities within its territory.

IV. POWERS AND AUTHORITY OF THE SCHOOL DISTRICT

- A. Funds
 - 1. The school district, through its school board, has authority to raise funds for the operation and maintenance of its schools and authority to manage and expend such funds, subject to applicable law.
 - 2. The school district has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
 - 3. School district officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.
- B. Raising Funds
 - 1. The school district shall, within the limitations specified by law, provide by levy of tax necessary funds for the conduct of schools, payment of indebtedness, and all proper expenses.

2. The school district may issue bonds in accordance with the provisions of Minnesota Statutes chapter 475, or other applicable law.
3. The school district has authority to accept gifts and donations for school purposes, subject to applicable law.

C. Property

1. The school district may acquire property for school purposes. It may sell, exchange, or otherwise dispose of property which is no longer needed for school purposes, subject to applicable law.
2. The school district shall manage its property in a manner consistent with the educational functions of the district.
3. The school district may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.
4. School district officials hold school property as trustees for the use and benefit of students, taxpayers, and the community.

D. Contracts

1. The school district is empowered to enter into contracts in the manner provided by law.
2. The school district has authority to enter into installment purchases and leases with an option to purchase, pursuant to Minnesota Statutes section 465.71 or other applicable law.
3. The school district has authority to make contracts with other governmental agencies and units for the purchase, lease or other acquisition of equipment, supplies, materials, or other property, including real property.
4. The school district has authority to enter into employment contracts. As a public employer, the school district, through its designated representatives, shall meet and negotiate with public employees in an appropriate bargaining unit and enter into written collective bargaining agreements with such employees, subject to applicable law.

E. Textbooks, Educational Materials, and Studies

1. The school district, through its school board and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.
2. The school district shall establish and apply the school curriculum.

F. Actions and Suits

The school district has authority to sue and to be sued.

Legal References: Minn. Const. art. 13, § 1
Minn. Stat. Ch. 123B (School District Powers and Duties)
Minn. Stat. Ch. 179A (Public Employment Labo Relations)
Minn. Stat. § 465.035 (Public Corporation, Conveyance or Lease of Land)
Minn. Stat. §§ 465.71; 471.345; 471.6161; 471.6175; 471.64 (Rights, Powers, Duties; Municipalities)
Minnesota Association of Public Schools v. Hanson, 287 Minn. 415, 178 N.W.2d 846 (1970)
Independent School District No. 581 v. Mattheis, 275 Minn. 383, 147 N.W.2d 374 (1966)
Village of Blaine v. Independent School District No. 12, 272 Minn. 343, 138 N.W.2d 32 (1965)
Huffman v. School Board, 230 Minn. 289, 41 N.W.2d 455 (1950)
State v. Lakeside Land Co., 71 Minn. 283, 73 N.W.970 (1898)

Cross References: MSBA/MASA Model Policy 201 (Legal Status of School Board)
MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 604 (Instructional Curriculum)
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)
MSBA/MASA Model Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)
MSBA/MASA Model Policy 705 (Investments)
MSBA/MASA Model Policy 706 (Acceptance of Gifts)
MSBA/MASA Model Policy 801 (Equal Access to School Facilities)
MSBA School Law Bulletin "F" (School District Contract and Bidding Procedures)

First Reading: 03.22.2016 ~~March 22, 2016~~
Adopted: 04.19.2016 ~~April 19, 2016~~
Reviewed: 10.18.2022 ~~October 18, 2022~~
Reviewed:

1100 PUBLIC PERFORMANCES BY STUDENTS

The School Board recognizes that worthy and appropriate educational values accrue from pupil participation in civic and community affairs. Teachers are encouraged to provide students for public performances when such performances contribute to the educational process and objectives of that particular class or activity and when it does not interfere unduly with other scheduled classes or activities within the school. All requests for students to leave the building must be cleared by the principal who shall make certain that the safety and welfare of each student is protected.

School groups may, with the permission of the principal, participate in local public events which fall into the following classifications:

- Events sponsored by the schools. Educational events in which the schools serve as hosts shall have priority in scheduling appearances.
- Community functions organized in the interests of the school such as those that might be originated by the Parent-Teacher Association.
- Non-commercial civic occasions of community, county, state or national interest of sufficient breadth to enlist general sympathy and cooperation.
- Events that are primarily patriotic in nature.
- Charity benefit activities provided such activity has been specifically approved in advance by the Superintendent.
- Programs sponsored by established character-building agencies, or programs sponsored jointly by the school
- District and mass communication media where the time or space given to the programs are of a public service nature.

School groups may not participate in events that fall into any of the following classifications:

- Events that are for the purpose of private gain or for the advertising of any commercial project or product. A school name, the names of school-sponsored groups or school equipment shall not be exploited in events of a commercial nature.
- Events that are for the furtherance of any politically partisan interest.
- Events that are primarily for the furtherance of any sectarian concern.
- Events that cause an undue amount of interference with the regular school program or that cause an excessive amount of absence due to rehearsal or preparation.
- Events from which any individual is excluded because of race, color, creed, or gender.

Students may perform where admission fees are charged only if the proceeds are used for charitable, educational, civic, or service purposes. Gifts for performances may be accepted by the school, but not by individual students. Costs directly related to performances, the supervision of the students and liability protection for the participants will be responsibilities of the School District.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

~~1100 — PUBLIC PERFORMANCES BY STUDENTS~~

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~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

3019 INVESTMENTS

I. PURPOSE

The purpose of this policy is to establish guidelines for the investment of School District funds.

II. GENERAL STATEMENT OF POLICY

It is the policy of this School District to comply with all state laws relating to investments and to guarantee that investments meet certain primary criteria.

III. SCOPE

This policy applies to all investments of funds of the School District, regardless of the fund accounts in which they are maintained, unless certain investments are specifically exempted by the School Board through formal action.

IV. AUTHORITY; OBJECTIVES

A. The funds of the School District shall be deposited or invested in accordance with this policy, Minn. Stat. Chapter 118A and any other applicable law or written administrative procedures.

B. The primary criteria for the investment of the funds of the School District, in priority order, are as follows

1. Safety and Security. Safety of principal is the first priority. The investments of the School District shall be undertaken in a manner that seeks to ensure the preservation of the capital in the overall investment portfolio.
2. Liquidity. The funds shall be invested to assure that funds are available to meet immediate payment requirements, including payroll, accounts payable and debt service.
3. Return and Yield. The investments shall be managed in a manner to attain a market rate of return through various economic and budgetary cycles, while preserving and protecting the capital in the investment portfolio and taking into account constraints on risk and cash flow requirements.

V. DELEGATION OF AUTHORITY

A. The Director of Business and Finance of the School District is designated as the investment officer of the School District and is responsible for investment decisions and activities under the direction of the School Board. The investment officer shall operate the School District's investment program consistent with this policy. The investment officer may delegate certain duties to a designee or designees, but shall remain responsible for the operation of the program.

B. All officials and employees that are a part of the investment process shall act professionally and responsibly as custodians of the public trust, and shall refrain from personal business activity that could conflict with the investment program or which could reasonably cause others to question the process and integrity of the investment program. The investment officer shall avoid any transaction that could impair public confidence in the School District.

VI. STANDARD OF CONDUCT

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

VII. MONITORING AND ADJUSTING INVESTMENTS

The investment officer shall routinely monitor existing investments and the contents of the School District's investment portfolio, the available markets and the relative value of competing investment instruments.

VIII. INTERNAL CONTROLS

The investment officer shall establish a system of internal controls which shall be documented in writing. The internal controls shall be reviewed by the School Board and shall be annually reviewed for compliance by the School District's internal auditor or independent auditors. The internal controls shall be designed to prevent and control losses of public funds due to fraud, error, misrepresentation, unanticipated market changes or imprudent actions by officers, employees or others. The internal controls may include, but shall not be limited to, provisions relating to control of collusion, separation of functions, separation of transaction authority from accounting and record keeping, custodial safekeeping, avoidance of bearer form securities, clear delegation of authority to applicable staff members, limitations regarding securities losses and remedial action, written confirmation of telephone transactions, supervisory control of employee actions, minimizing the number of authorized investment officials, and documentation of transactions and strategies.

IX. PERMISSIBLE INVESTMENT INSTRUMENTS

The School District may invest its available funds in those instruments specified in Minn. Stat. 118A.04 and 118A.05, as that section may be amended from time to time, or any other law governing the investment of School District funds.

X. PORTFOLIO DIVERSIFICATION; MATURITIES

A. The School District shall diversify its investments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities.

1. The maximum percentage of the School District's investment portfolio that may be invested in a single investment issuer is 20%.
2. The maximum percentage of the School District's investment portfolio that may be invested in a single type of investment instrument, such as U.S. Treasury Obligations, certificates of deposit, repurchase agreements, banker's acceptances, commercial paper, etc. is 85%.
3. The maximum percentage of the total investment portfolio that may be held in any one depository is 75%.
4. Investment maturities shall be scheduled to coincide with projected School District cash flow needs, taking into account large routine or scheduled expenditures, as well as anticipated dates of receipt of anticipated revenues. Maturities for short-term and long-term investments shall be timed according to anticipated need. Within these parameters, portfolio maturities shall be staggered to avoid undue concentration of assets and a specific maturity sector. The maturities selected shall provide for stability of income and reasonable liquidity.

XI. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

Before the School District invests any funds in a specific investment instrument, a competitive quotation process shall be utilized. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, quotations shall be requested for instruments which meet the maturity requirement. If no specific maturity is required, a market trend analysis, which includes a yield curve, will normally be used to determine which maturities would be most advantageous. Quotations shall be requested for various options with regard to term and instrument. The School District will accept the quotation that provides the highest rate of return within the maturity required and within the limits of this policy. Generally all quotations will be computed on a consistent basis, i.e., a 360-day or a 365-day yield. Records will be kept of the quotations received, the quotations or bids accepted and a brief explanation of the decision that was made regarding the investment.

XII. QUALIFIED INSTITUTIONS AND BROKER-DEALERS

A. The School District shall maintain a list of the financial institutions that are approved for investment purposes.

B. Prior to completing an initial transaction with a broker, the School District shall provide to

the broker a written statement of investment restrictions which shall include a provision that all future investments are to be made in accordance with the district's investment policy and with Minnesota Statutes governing the investment of public funds. The broker must annually acknowledge receipt of the statement of investment restrictions and agree to handle the School District's account in accordance with these restrictions. The School District may not enter into a transaction with a broker until the broker has provided this written agreement to the School District. The notification form to be used shall be that prepared by the State Auditor. A copy of this investment policy, including any amendments thereto, shall be provided to each such broker.

XIII. SAFEKEEPING AND COLLATERALIZATION

A. All investment securities purchased by the School District shall be held in third-party safekeeping by an institution designated as custodial agent. The custodial agent may be any federal reserve bank, any bank authorized under the laws of the United States or any state to exercise corporate trust powers, a primary reporting dealer in United States Government securities to the Federal Reserve Bank of New York, or a securities broker-dealer defined in Minn. Stat. 118A.06. The institution or dealer shall issue a safekeeping receipt to the School District listing the specific instrument, the name of the issuer, the name in which the security is held, the rate, the maturity, serial numbers and other distinguishing marks, and other pertinent information.

B. Deposit-type securities shall be collateralized as required by Minn. Stat. 118A.03 for any amount exceeding FDIC, SAIF, BIF or FCUA coverage.

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

XIV REPORTING REQUIREMENTS

A. The investment officer shall generate daily and monthly transaction reports for management purposes. In addition, the School Board shall be provided a monthly report that shall include data on investment instruments being held as well as any narrative necessary for clarification.

B. The investment officer shall prepare and submit to the School Board a quarterly investment report that summarizes recent market conditions, economic developments, and anticipated investment conditions. The report shall summarize the investment strategies employed in the most recent quarter, and describe the investment portfolio in terms of investment securities, maturities, risk characteristics and other features. The report shall explain the quarter's total investment return and compare the return with budgetary expectations. The report shall include an appendix that discloses all transactions during the past quarter. Each quarterly report shall indicate any areas of policy concern and suggested

or planned revisions of investment strategies. Copies of the report shall be provided to the School District's internal auditor.

C. Within forty-five (45) days after the end of each fiscal year of the School District, the investment officer shall prepare and submit to the School Board a comprehensive annual report on the investment program and investment activity of the School District for that fiscal year. The annual report shall include 12-month and separate quarterly comparisons of return and shall suggest revisions and improvements that might be made in the investment program.

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

XV. DEPOSITORIES

The School Board shall annually designate one or more official depositories for School District funds. The treasurer and the chief financial officer of the School District may also exercise the power of the School Board to designate a depository. The School Board shall be provided notice of any such designation by its next regular meeting. The School District and the depository shall each comply with the provisions of Minn. Stat. 118A.03 and any other applicable law, including any provisions relating to designation of a depository, qualifying institutions, depository bonds, and approval, deposit, assignment, substitution, addition and withdrawal of collateral.

XVI. ELECTRONIC FUNDS TRANSFER OF FUNDS FOR INVESTMENT

The School District may make electronic fund transfers for investments of excess funds upon compliance with Minn. Stat. 471.38.

References: MN Stat. 118A.01
MN Stat. 118A.02
MN Stat. 118A.03
MN Stat. 118A.04
MN Stat. 118A.05
MN Stat. 118A.06
MSBA Model Policy 703
MSBA Model Policy 705
MSBA Service Manual
Minnesota Legal Compliance Audit Guide prepare by Office of the State Auditor

Adopted: 07-21-1998 ISD 709

3020 TUITION FEES - INCOMING NON-RESIDENT

Tuition for non-resident pupils shall be determined by the School Board for both elementary and secondary schools.

Non-resident pupils will be accepted subject to approval of the Superintendent and applicable state statutes.

Non-resident tuition fees shall be fixed on the basis of actual total maintenance cost plus expenditures, or authorized charges for capital outlay, and shall be annually approved by the School Board.

All tuition billings shall be based on membership of the non-resident with new enrollments, transfers or withdrawals calculated to the actual days of membership.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

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~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

3025 TUITION FEES - OUTGOING RESIDENT

Resident pupils who have special needs, or who have been consigned for correction or special help to a facility in another school district, may have their tuition paid by the Duluth School District after proper consideration by the School Board.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

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~~Adopted: 06-09-1970 ISD-709~~

~~Revised: 06-20-1995 ISD-709~~

3030 MATERIAL FEES

The students are responsible for the cost of replacing any materials or property which are lost or damaged through negligence or vandalism. Minimum fees will be charged for materials used in those activities beyond the basic academic curriculum or in which the students elect to participate, and in shop and art activities where the product becomes the property of the student.

Reference: MSA 123.35

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

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~~Reference: MSA 123.35~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

3035 SALE AND DISPOSAL OF EQUIPMENT

The Director of Business Services shall be authorized to dispose of obsolete equipment by selling it to the highest bidder and shall report all such transactions of \$50 or more to the School Board. Equipment or materials acquired under a federal program are to be disposed according to the guidelines established by the federal agency or the state's administrative agency under which they were issued.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995

03-20-2001 ISD 709

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~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995~~

03-20-2001 ISD 709

3041 GRANTS AND GIFTS - DEVELOPING AND MANAGING PROPOSAL

The School District supports the development of special and general proposals for acquiring and managing grants, gifts, and other monies with the purpose of providing a better education for learners. Due to the uniqueness of the School District, the School Board realizes that various fundings are necessary to bring about the mission of the School District. The School Board realizes that coordination must be done with activities, resources, and finances of proposals implemented in behalf of the School District. The School Board further realizes that the following regulations are necessary to implement and manage this policy.

Adopted: 03-16-1993 ISD 709

Revised: 06-20-1995 ISD 709

3041R GRANTS AND GIFTS - DEVELOPING AND MANAGING PROPOSALS

1. To be considered, a proposal for any new idea, grant, or other item relating to a program or constituting a program in the School District must be submitted in writing responding to the following:
 - a. Description of how proposal relates to District mission
 - b. Program summary
 - c. What's unique about the program
 - d. What problem does program address
 - e. Goals--methodology/activities--outcomes
 - f. Budget--description and amounts of line items
 - g . Signature of responsible person
2. Proposals should be submitted by writers/applicant to the direct supervisor for review and sent to the administrator in charge in the division where the proposal originated.
3. The administrator in charge will distribute copies to the other division administrators for review and comment.
4. The administrator in charge will make a recommendation to the Superintendent after the proposal is reviewed by the cabinet.
5. Two weeks must be allowed for review and approval.
6. Proposals should be accompanied by a suggested source of funding, preferably other than the School District's general fund.
7. Proposals are not limited to instruction.
8. Proposals will be judged on their ability to meet a need in the mission for the School District.
9. All proposals and grant applications must include a completed revenue and expenditure summary.
10. Once proposals are received from a funding agency in an approved status, copies will be distributed to the divisions of the School District for information and management purposes.
11. The responsible administrator will meet with the proposal writer and staff to set up program and finance management procedures according to School District policy, expectations and state/federal laws.

Approved: 03-16-1993 ISD 709

Revised: 06-20-1995 ISD 709

3050 FUNDS MANAGEMENT

The School Board is responsible for the control of all funds of the School District, including internal funds. The School Board authorizes each school to maintain one checking, savings, and money market account and multiple certificates of deposit. The checking account shall be established for the receipt and disbursement of certain curricular, co-curricular, non-curricular and extra-curricular monies as identified in the Secondary, Middle, and Transitional Student Activity Accounting Procedures and the Elementary Student Activity Accounting Procedures. These funds shall be administered by and be the responsibility of the individual school principal. The funds shall be accounted for using the Student Activity Accounting Procedures and shall be consistent with other School Board policies relating to the administration of funds and curricular, co-curricular, non-curricular, and extra-curricular activities.

Reference: MSA 123.34

Adopted: 06-09-1970 ISD 709

Revised: 11-16-1993

06-20-1995 ISD 709

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~~Reference: MSA 123.34~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 11-16-1993~~

~~06-20-1995 ISD 709~~

3055 PURCHASING

It is the intention of the School Board that not only the letter but the spirit of all laws and regulations relating to purchases by the School District, and the control of its finances and property, be abided by strictly and without exception. All purchases shall be made through the Purchasing Department. Purchasing transactions will be authorized on properly signed purchase orders or administered by purchasing cards through the purchasing/finance_ departments. No unauthorized persons shall make purchases, enter into contracts, or make commitments in the name, or on behalf of the School Board or the School District. The_ Superintendent or Business Services Director are authorized to contract for goods and services in accordance with the provisions of Minnesota State Statutes.

To help achieve both quality control and the price advantage of quantity purchasing, the administration is requested to:

1. Set open specifications for goods and services as needed.
2. Where feasible and as a convenience to bidders, cite one or more acceptable brands, or models, as a basis for bids even though the specifications are "open." Educational factors shall be considered along with price factors.
3. Invite vendors to bid on those specifications or examples, as well as comparable ones which the vendors believe to be acceptable according to the specifications.

The Director of Technology will approve all computer hardware purchases/leases exceeding \$500.00. All computer hardware purchases must follow standards established by the Technology Department. These computer standards will be reviewed annually as to affordability, stability and maintenance history.

Any deviations from this policy will be reported to the School Board at the next regular Board meeting.

References: MSA 123B.14
MSA 123B.51
MSA 123B.52
MSA 471.345

Adopted: 06-09-1970 ISD 709
Revised: 06-20-1995
02-15-2005
12-16-1997
07-21-1998 ISD 709

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~~———— MSA 123B.51~~

~~———— MSA 123B.52~~

~~———— MSA 471.345~~

~~Adopted: 06-09-1970 ISD-709~~

~~Revised: 06-20-1995~~

~~———— 02-15-2005~~

~~———— 12-16-1997~~

~~———— 07-21-1998 ISD-709~~

3060 LOCAL PURCHASING

Local purchasing will be favored whenever the following factors are equal between local and non-local vendors:

1. Quality of product.
2. Suitability of product.
3. Price.
4. Conformance to specifications.
5. Convenience of delivery.
6. General reputation of business firms.

Convenience in procuring warranted service, parts, or maintenance will be considered along with the overall cost of a purchase in determining the successful bidder.

In accordance with School Board policy favoring local purchasing, the following procedure will be used:

1. In case of tie satisfactory bids, within-state ones will be chosen over out-of-state.
2. In case of tie satisfactory bids within-the-School District, a coin will be tossed to determine the award.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

3065R VENDING MACHINES AND RELATIONS WITH VENDORS

Machines for the dispensing of foods and beverages may be used in the public schools of Duluth as a supplement to the cafeteria service and to provide after hours service. The following guidelines will govern their management, installation, use and specific items to be dispensed:

1. Management

The dispensing machines shall be under the general direction of the school principal. All proceeds are to be posted to the general fund but may be maintained at the school site. The proceeds may be expended as dictated by district accounting and purchasing policies. Proper accounting shall be submitted regularly to the Director of Business and Finance on all proceeds and expenditures.

2. Installation

Vending machines are to be installed at the expense of the local school. All contracts must be ratified by the School Board and shall go out for bid if the aggregate receipts from all machines located in a building exceed \$5000 in a fiscal year. The machines shall be so located as to meet building codes, convenience of operation, accessibility, and ease of maintenance. The placement shall be the joint decision of the local school administration, the engineering department, and the child nutrition department. All financial responsibility for the maintenance and repair shall remain with the individual school.

3. Use

Vending machines and their products may not operate in competition with school cafeterias. Their use is to broaden the services offered students and shall not be operated so as to detract or supplant the nutritional offerings of the school cafeteria. It is further recommended that attention be given to its use before or after school and before or during evening activities.

4. Guidelines for Specific Items to be Dispensed

It would be impractical to identify all items that should or should not be sold through a vending machine. With the guidelines identified under "use" the following regulations apply:

The following items may not be dispensed during lunch periods:

Coffee, tea, carbonated beverages, corn chips, potato chips, ice cream, candy, etc., and any items directly in competition with those being sold in the cafeteria. (But may be acceptable when the cafeteria is not in service.)

The following items are acceptable and may be operated at any time:

Fruit, noncarbonated beverages, milk, consommé', sandwiches, etc.

All efforts should be made to encourage cafeteria participation and the support of nutritious

food.

The vending machines should be a supplement to the cafeteria and not to replace the services; consequently the major use should be before and after school hours, evening, and at those times in which the services of the cafeteria are not available.

5. Relations with Vendors

All supplies' representatives shall have a hearing relative to their products at the earliest convenient date. Subsequent visits shall be promptly acknowledged and interviews granted or not, depending upon the circumstances. Purchasing personnel are not required to put their time absolutely and indiscriminately at the disposal of all salesmen, however frequent or at whatever time, or on what mission they may be calling. The Director of Business and Finance may be the judge, but he/she is not relieved from his/her obligation of courtesy. The Duluth Public Schools shall not extend favoritism to any vendors. Each order shall be placed on the basis of quality, price, and delivery, with past service being a factor if all other considerations are equal.

All letters, wires, and other types of communications shall be answered or acknowledged promptly.

The schools shall not solicit funds or material from vendors, however worthy the purpose. No purchase will be made from an employee of the School District, nor from a member of the immediate household of an employee.

No purchase will be made from a member of the School Board, nor from a member of his/her immediate household, nor from any enterprise in which he/she holds a substantial interest, except for public utilities.

No employee shall endorse any product of any type or kind in such a manner as will identify him/her in any way as an employee of the School District.

Approved: 06-09-1970 ISD 709

Revised: 10-19-1993

06-20-1995 ISD 709

3065 VENDING MACHINES AND RELATIONS WITH VENDORS

The School Board wishes to maintain good working relations with vendors who supply materials, supplies, and services to the school system. Constructive efforts by the administration to seek the advice and counsel of vendors about how to improve such relationships are encouraged.

Vendors who feel the specifications are unduly restrictive are encouraged to bring this to the Superintendent's attention by written communication.

Automatic vending machines or sales, the proceeds of which remain with the School Board, are authorized in any elementary or secondary public school in the city (i.e. sanitary equipment, milk, or other items designated by the School Board).

Automatic vending machines or sales, the proceeds of which physically remain in an individual school yet credited to the district's general fund, may be authorized if the sales supplement rather than conflict with existing School Board programs and policies. Non-conflicting vending machines or sales shall be originated at the discretion of the school principal.

All vending contracts over \$5000 must be obtained based on competitive bids and all contracts must be ratified by the School Board. In the event any vendored or sold items are questioned or disputed as being in conflict with existing School Board programs or policies, the School Board, after proper review, shall make the determination.

Effective for all contracts entered into after June 30, 1995, student picture or yearbook contracts grossing over \$5000 in sales must also be obtained based on competitive bids and all contracts must be ratified by the School Board. In the event any item is questioned or disputed as being in conflict with existing School Board programs or policies, the School Board after proper review shall make the determination.

References: MSA 121.908
MSA 123.37
MSA 127.15
MSA 471.345

Adopted: 06-09-1970 ISD 709
Revised: 10-19-1993
04-25-1995
06-20-1995 ISD 709

3095 PETTY CASH FUNDS

Petty cash funds may be established at the direction and approval of the School Board. Petty cash funds may be reimbursed by the School District for expenditures made as frequently as may be necessary to sustain the fund at its authorized balance. No part of such fund may be loaned or advanced against the salary of an employee.

Payments from petty cash funds by authorized personnel for minor items purchased for school use will be documented as follows:

1. Cash receipt containing the following information:
 - a. Name and address of vendor
 - b. Date of purchase
 - c. Description of items
 - d. Unit cost
 - e. Total cost
 - f. Acknowledgment of cash payment received
 - g. Signature of purchaser

2. A copy of Petty Cash Voucher, identifying the purchase to which related, and signed by the person receiving reimbursement.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

3115 MONIES IN SCHOOL BUILDINGS

Monies collected by School District employees and by student treasurers shall be handled with good and prudent business procedures, both to demonstrate the ability of School District employees to operate in that fashion and to teach such procedures to our students. All monies collected shall be receipted and accounted for and directed without delay to the proper location of deposit.

In no case shall monies be left overnight in schools except in safes provided for safekeeping of valuables, and even then, no more than twenty-five dollars (\$25) should be so kept. All school banks shall provide for making bank deposits after regular banking hours in order to avoid leaving money in school overnight.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

3120 SAFETY (CHRISTMAS TREES / HOLIDAY DECORATIONS)

The use of decorative trees and other holiday decorations in schools will be in accordance with state laws and local regulations set forth by the Duluth Fire Marshal.

1. Restrictions on Natural Trees

- a. Number allowed - one per school.
- b. Electric lights - not permitted.
- c. Placement - not permitted in any classroom; do not place near any heat source; select an area remote of exits and which does not alter or restrict normal traffic patterns.
- d. Stand - stable and filled with water; trees over nine feet must be tied at the top.
- e. Time limit - allowed in building a maximum of five (5) school days.

2. Restrictions on Artificial Trees

- a. Type - must be flame retardant.
- b. Number allowed - no limit.
- c. Lighting - only miniature, cool burning, UL labeled permitted.
- d. Placement - Select area/s remote of exits where normal traffic patterns are not restricted or altered; not allowed in classrooms with lights.

3. Decorations

- a. Natural evergreen branches are not permitted. If desired, use fire retardant artificial decorations and use them sparingly.
- b. Electric lights - not permitted (except as in artificial trees above and not in classrooms).
- c. Metal, or any type of decoration, will not be allowed near electric light fixtures.

4. General Safety Rules

- a. Fire Extinguishers -do not hide from view or hamper access to any fire fighting equipment or exit signs. Periodically review fire extinguisher locations and fire drill procedures.
- b. Candles or open flames - never allowed.

Adopted: 06-09-1970 ISD 709

Revised: 11-13-1990

06-20-1995 ISD 709

3125R RESTRICTIONS ON USE OF BUILDINGS AND GROUNDS

All school buildings shall be treated as professional work stations, except that to properly protect the taxpayers' investment, the following rules are applicable to all school employees:

1. Weekday usage of the school building shall be restricted in the evening to the hours that a school custodian or engineer is in the building--10:00 to 10:30 in all secondary buildings and certain elementary buildings having second shift custodians.
2. All employee usage after the regular school hours shall be confined to the employee's immediate work station.
3. Any employee entering the building during the period after the regular school closing, but prior to the engineer leaving the building, shall:
 - a. Check to see that the door was locked following entry.
 - b. Avoid turning on lights except in immediate work station.
 - c. Turn off lights in work station prior to leaving.
 - d. Check work station prior to leaving for fire or safety hazards.
 - e. Check to see that the door was locked following departure.
4. Keys for entering the building during non-school hours shall be issued by the building principal, on an evening or daily basis. The principal shall keep a record of the location of all keys at all times, and the log shall include the signature of the employee possessing the key.
5. Gyms, pools, cafeterias, and shop machinery shall not be considered as work stations for any employee and may only be used on specific Building Use Authorizations through the established procedures under the supervision of the principal.
6. After hour entrances and exits shall be confined to one entrance at each building, the entrance or exit to be designated by the school principal after consultation with the building engineer.
7. The use of the building on Sundays and holidays by school personnel is prohibited.
8. The use of the building on Saturdays is discouraged but permissible during the hours of 8:00 a.m. to 5:00 p.m. provided all rules and building security are followed.
9. The above rules are inflexible, and any employee violating said rules shall, on the first violation, be served notice by the building principal, on second violation have note of said violation placed on employee's record or rating forms, and on third violation be subject to discipline as directed by the Superintendent.
10. Only permanent full-time employees may check out keys to their own work station. Keys for school buildings are to be checked out by the school principal and no keys shall be duplicated. The principal shall receive sufficient keys to allow each teacher to have a key for his work station and allow for one after-hour key for each five staff members. The Director of Facilities & Risk Management may conduct routine checks of keys, receipts, and logs at all buildings.
11. The restrictions (1 to 10 inclusive) above pertain to the use of the buildings by the professional staff under the building principal. Situations arising in conflict with the restrictions shall be submitted to the Director of Business and Finance for decisions.
12. Any use of school buildings by other organizations or individual shall be by permit applied for and issued from the Community Education Office.

Approved: 06-09-1970 ISD 709
Revised: 06-20-1995 ISD 709

3125 SECURITY OF BUILDINGS AND GROUNDS

Locking Systems

Locking systems for all School District buildings shall be the responsibility of the Supervisor of Maintenance & Construction, and keys shall be issued only by the Maintenance & Construction Office.

Master Keys

Master keys shall be issued only to Physical Plant personnel whose job responsibilities may require access to any building. Reproduction and issuance of general master keys shall be authorized only by the Business & Finance Services Office.

Exterior Door Keys

Exterior door keys shall be issued only to the principal, building engineer, firepersons, and custodial staff, and to other authorized personnel approved by the principal and building engineer.

Interior Door Keys

Interior door keys for elementary and secondary schools shall be issued by the physical plant department to each building engineer. The building engineer shall issue necessary keys to the principal and custodial personnel. Each teacher shall be issued a key to his/her classroom. At the termination of the regular school year and at the termination of the summer school period, teachers shall return keys as part of their check-out procedure. Keys shall not be issued to substitute teachers, student teachers, or students.

Electronic Security Systems

In buildings equipped with electronic security systems, keys for arming/de-arming such systems shall be issued to designated members of the building custodial staff and principal. Transfer of any key to an unauthorized person is prohibited. Designation of authorized personnel shall be made by the Director of Business and Finance. Arming and de-arming of systems shall be done by authorized persons.

General Statements Regarding Buildings and Grounds

This policy is designed to provide for the protection of the buildings and lands of schools; to provide for peace, quiet, and good order in and around schools; and to provide for the removal of those not having legitimate business on school property.

No person shall mark with any substance or in any other manner deface or do damage to any building owned, occupied, or otherwise used as a school, or in any other way or manner deface or do damage to any fence, tree, lawn, or other fixture situated on lands owned, occupied, or otherwise used by a school.

No person on property in which any class is in session, or in which any gathering or function is taking place, shall loiter or make any noise or diversion which disturbs the quiet or good order of such school activity.

Any person not a student in the school, employee of the school, or parent of any student enrolled therein, shall not remain within any school during normal school hours without securing the permission of the principal or person in charge. School hours include one hour prior to normal class time and one hour after classes are dismissed.

Persons not engaged in an authorized after-hour or weekend activity shall not remain on school premises without permission of the principal or person in charge.

Adopted: 06-09-1970 ISD 709
Revised: 06-09-1981
06-20-1995 ISD 709

3130 MAINTENANCE AND OPERATION OF PLANT

An effective educational program requires clean, healthful, safe, business-like and attractive physical facilities. The maintenance and custodial staff is charged with the responsibility of caring for and protecting these facilities. In order to carry out an efficient maintenance program, the building engineer and other custodial staff must receive the cooperation of the pupils, the teachers, and the principal.

The principal's responsibility is one of direction and supervision. Each custodian must have a daily work schedule in order to accomplish his/her part of the overall task. He/she must be given directions on how to perform the various duties assigned to him/her. The principal may supervise and check to ensure that all custodians are doing their share of the work to the best of their ability and report any discrepancies to the Supervisor of Operations & Inventory.

A factual report by the principal on the performance and conduct of the building engineer will be made to the Supervisor of Operations & Inventory semi-annually.

Areas of safety in the operation of a physical facility that must be addressed by the maintenance and custodial staff (with the assistance of all staff members in the building) are as follows:

1. The accumulation of materials which can cause fires or can add fuel to a fire must be eliminated wherever possible.
2. Quantities of paper should not be accumulated in other than the central storage area.
3. Stage and auditorium areas are to be kept free of debris. Stage managers have "standing" instructions to discard anything not part of regular stage equipment within twenty-four (24) hours after a performance is completed.
4. Walkways must be kept clear of snow and safe for pedestrian traffic at all times. Frequent checks for slippery conditions during the thawing weather are vital. Non-skid materials shall be used as required.
5. Fire alarms are to be set off and checked daily by the building engineer or his/her staff, before or after the regular school day. A different station is to be checked each day to ensure that all fire stations and alarms are in operation.
6. Fire extinguishers are to be checked frequently and kept in perfect order. They must also be checked annually by the State Fire Marshal and certified as to their readiness.
7. A complete fire drill and exit program must be worked out by the school principal. Practice fire drills must be held frequently enough so that all pupils know where they must exit and the route they must take to prevent confusion. Each classroom shall contain a fire drill instruction chart mounted in a conspicuous manner by the classroom door. Each teacher shall be responsible for the exit of his/her class at the time on an alarm.
8. All exit lights must be on when the school building is occupied.
9. Combustible liquids must be kept only by the engineer in a storage area specified for "combustible liquids" and in a safety-approved container only.
10. Lighted candles or any other form of open flame, other than bunsen burners or acetylene torches in a controlled classroom situation, are strictly forbidden.

Adopted: 06-09-1970 ISD 709
Revised: 06-20-1995 ISD 709

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2. Quantities of paper should not be accumulated in other than the central storage area.
3. Stage and auditorium areas are to be kept free of debris. Stage managers have "standing" instructions to discard anything not part of regular stage equipment within twenty four (24) hours after a performance is completed.
4. Walkways must be kept clear of snow and safe for pedestrian traffic at all times. Frequent checks for slippery conditions during the thawing weather are vital. Non skid materials shall be used as required.
5. Fire alarms are to be set off and checked daily by the building engineer or his/her staff, before or after the regular school day. A different station is to be checked each day to ensure that all fire stations and alarms are in operation.
6. Fire extinguishers are to be checked frequently and kept in perfect order. They must also be checked annually by the State Fire Marshal and certified as to their readiness.
7. A complete fire drill and exit program must be worked out by the school principal. Practice fire drills must be held frequently enough so that all pupils know where they must exit and the route they must take to prevent confusion. Each classroom shall contain a fire drill instruction chart mounted in a conspicuous manner by the classroom door. Each teacher shall be responsible for the exit of his/her class at the time on an alarm.
8. All exit lights must be on when the school building is occupied.
9. Combustible liquids must be kept only by the engineer in a storage area specified for "combustible liquids" and in a safety approved container only.
10. Lighted candles or any other form of open flame, other than bunsen burners or acetylene torches in a controlled classroom situation, are strictly forbidden.

Adopted: ~~06-09-1970~~ ISD-709

Revised: ~~06-20-1995~~ ISD-709

3137 MEMBERSHIPS IN COMMUNITY ORGANIZATIONS

The District prohibits the use of public funds to join or pay for District or employee membership in community service organizations including but not limited to the Kiwanis, the Rotary, the Chamber of Commerce, or the Lions Club. In the event that the membership is paid for as part of an employee's individual or union/unit contract, the superintendent has the authority to approve payments to such community organizations that serve a public purpose and advance the educational mission of the District, as he/she and the Board deems appropriate.

Adopted: 12-16-2003 ISD 709

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~~Adopted: 12-16-2003 ISD 709~~

3150 TRANSPORTATION - RESPONSIBILITIES OF PRINCIPALS

Pupils are not to be excluded from the bus along the route for a violation of discipline; all such violations shall be reported by the bus driver to the principal and to the Supervisor of Transportation using the Bus Driver's Report of Student Misconduct form.

The principal shall investigate all complaints of misbehavior on school buses and take appropriate disciplinary action when necessary.

Principals shall arrange for the prompt release at the end of the school day of students who are to ride school buses. The principal, or designee, shall advise the parents if a transported student misses any bus, and the student or parents/ guardian shall make their own transportation arrangements in such an emergency.

In instances where student misbehavior has caused damage to the school bus, a statement of repair costs will be mailed to the parents for reimbursement to the School District for such repair costs.

Lists of transported students are to be maintained by each school. Changes of address, deletions, or additions must be reported to the Transportation Department on a Route Revision Request form.

Adopted: 06-09-1970 ISD 709

Revised: 10-21-1975

11-13-1979

07-11-1989

06-20-1995 ISD 709

3155 TRANSPORTATION - RESPONSIBILITY OF TEACHERS

Each elementary and secondary curricular (field) and co-curricular trip must be requisitioned by the teacher or coach. The trip must be approved by the building principal, athletic director, or special education supervisor when applicable. The requisition form must be forwarded to the Transportation Department so as to arrive at least five (5) working days prior to the date of the trip.

Prior to initiating a request for a curricular activity (field trip), consideration of the following is imperative:

1. Field trips shall be limited to the Twin Ports (Duluth-Superior) area.
2. Field trips shall be considered on the basis of their importance to the curriculum in providing culminating and aesthetic experiences.
3. Field trip activity between grade levels in the same building shall be coordinated so that students in the building do not participate in a field trip to the same educational experience from one grade level to the next. Certain destinations may offer a changing program which can result in students being transported to the same destination in more than one (1) grade level.
4. Buses requested for curricular (field trip) purposes shall leave and return within the same school day.
5. Teachers shall not arrange field trip(s) to attend an event which is a direct result of a vendor coming into the school to solicit trade for the product or service the vendor promotes.
6. School District buses shall be the primary source of transportation available for elementary and secondary field trips.
7. Buses shall not be requisitioned for a field trip to a location one-half (.5) mile or less from the home school.
8. The individual initiating the requisition shall determine if other groups from the same school are intending to request transportation to the same location. If this is the case, a single requisition shall be submitted so that duplication of trips can be avoided.

When requesting transportation for either curricular (field) or co-curricular trips, the individual completing the requisition shall:

1. Provide an accurate count of students and adults, plus wheelchairs, and the actual date for each trip.
2. Not request a deviation from the normal route either to or on the return trip from the location. Such deviation shall not be requested during the trip as well.
3. Shall indicate the time of day the bus is actually needed so that buses need not arrive in advance of this time causing undue expenditure.

The teacher shall receive consent and waiver of the parent/guardian in writing for all cases where the student is to be transported for related school trips other than regular bus trips to and from school.

Teachers who have requisitioned a curricular or co-curricular trip shall see that students are ready to board the bus promptly at the time indicated. The teacher shall indicate on the requisition form where at the building students will be available to board the bus(es).

Teams participating in school-sponsored events shall ride the designated bus from the home school to the event and return on the bus from the event back to the home school.

Teachers or personnel assigned to accompany students on field trips shall assist in promoting and maintaining proper student behavior on the bus.

Teachers shall not authorize student transportation to and from school without the consent of the principal.

Adopted: 06-09-1970 ISD 709

Revised: 10-21-1975

11-13-1979

07-11-1989

06-20-1995 ISD 709

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~~Adopted: 06-09-1970 ISD-709~~

~~Revised: 10-21-1975~~

~~11-13-1979~~

~~07-11-1989~~

~~06-20-1995 ISD-709~~

3160 STUDENT TRANSPORTATION SAFETY POLICY

I. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING

A. School Bus Safety Week

The first full week of school is designated as school bus safety week.

B. Student Training

The School District shall provide students enrolled in grades kindergarten through 12 with school bus safety training. The training shall be results-oriented and shall consist of both classroom instruction and practical training using a school bus and a Duluth Transit Authority bus, where applicable. Upon completing the training, a student shall be able to demonstrate knowledge and understanding of at least the following competencies and concepts:

1. transportation by school bus is a privilege, not a right
2. School District policies for student conduct and school bus safety
3. appropriate conduct while on the bus
4. the danger zones surrounding a school bus
5. procedures for safely boarding and leaving a school bus
6. procedures for safe vehicle lane crossing
7. school bus evacuation and other emergency procedures

Student school bus safety training shall commence during school bus safety week. All students who are transported by school bus and are enrolled during the first week of school must demonstrate achievement of the school bus safety training competencies by the end of the third full week of school. Students who enroll in a school after the first week of school and are transported by school bus shall undergo school bus safety training and demonstrate achievement of the school bus safety competencies within three weeks of the first day of attendance. The School District may deny transportation to a student who fails to demonstrate the competencies, unless the student is unable to achieve the competencies due to a disability.

The School District will, to the extent possible, provide kindergarten students with school bus safety training before the first day of school.

The School District will also provide student safety education for bicycling and pedestrian safety.

The School District's curriculum for transportation is maintained and available for review in the Transportation Office.

II. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

Riding the school bus is a privilege, not a right. Students are expected to follow the same behavioral standards while riding school buses as are expected on school property or at school activities, functions, or events. All school rules are in effect while a student is riding the bus or at the bus stop.

Consequences for school bus/bus stop misconduct will be imposed by the building principal or the principal's designee. In addition, all school bus/bus stop misconduct will be reported to the School District's Transportation Safety Director and to the Supervisor of Transportation. Serious misconduct may be reported to law enforcement.

A. School Bus and Bus Stop Rules

The School District school bus safety rules are to be posted on every bus. If these rules are broken, the School District's discipline procedures are to be followed. Consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the School District's Transportation Office/School Office.

B. Rules at the Bus Stop

1. Get to your bus stop 5 minutes before your scheduled pick-up time. The school bus driver will not wait for late students.
2. Respect the property of others while waiting at your bus stop.
3. Keep your arms, legs, and belongings to yourself.
4. Use appropriate language.
5. Stay away from the street, road, or highway when waiting for the bus. Wait until the bus stops before approaching the bus.
6. After getting off the bus, move away from the bus.
7. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
8. No fighting, harassment, intimidation, or horseplay.
9. No use of alcohol, tobacco, or drugs.

C. Rules on the Bus

1. Immediately follow the directions of the driver.
2. Sit in your seat facing forward.
3. Talk quietly and use appropriate language.
4. Keep all parts of your body inside the bus.
5. Keep your arms, legs, and belongings to yourself.
6. No fighting, harassment, intimidation, or horseplay.
7. Do not throw any object.
8. No eating, drinking, or use of tobacco or drugs.
9. Do not bring any weapon or dangerous objects on the school bus.
10. Do not damage the school bus.

D. Consequences

Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with co-curricular and extra-curricular events (for example, field trips or competitions) will be in the sole discretion of the School District. Parents or guardians will be notified of any suspension of bus privileges.

1st offense -warning--parent notification

2nd offense -up to five (5) school day suspension from riding the bus

3rd offense -up to one (1) month suspension from riding the bus

Further offenses -up to one (1) year suspension from riding the bus/meeting with parent

1. Other Discipline

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school may also result from school bus/bus stop misconduct.

2. Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and to the Transportation Office and will be retained in the same manner as

other student discipline records. Reports of serious misconduct will be provided to the Department of Public Safety. Records may also be maintained in the Transportation Office.

3. Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages as will their parents. Failure to pay such damages (or make arrangements to pay) within two weeks of mailing a statement of damages may result in the loss of bus privileges until damages are paid.

4. Notice

Students will be given a copy of school bus and bus stop rules during school bus safety training. Rules are to be posted on each bus and both rules and consequences will be periodically reviewed with students by the driver. The parents of each elementary student shall receive annually a summary of rules of safety, eligibility, and behavior.

5. Criminal Conduct

In cases involving criminal conduct (for example, assault, weapons, possession, or vandalism), the Superintendent, and local law enforcement officials.

III. PARENT AND GUARDIAN INVOLVEMENT

A. Parent/Guardian Responsibilities for Transportation Safety

1. Become familiar with School District rules and policies, regulations, and principles of school bus safety.
2. Assist students in understanding safety rules and encourage them to abide by them.
3. Recognize their responsibilities for the actions of their students.
4. Support safe riding practices and reasonable discipline efforts.
5. When appropriate, assist students in safely crossing local streets before boarding and after leaving the bus.
6. Support procedures for emergency evacuation and procedures in emergencies as set up by the School District.
7. Respect the rights and privileges of others.
8. Communicate safety concerns to school administrators.
9. Monitor bus stops, if possible.
10. Support all efforts to improve school bus safety.

B. Parent and Guardian Notification

A copy of the School District school bus and bus stop rules will be provided to each family at the beginning of the school year or when a child enrolls, if this occurs during the school year. Parents and guardians are asked to review the rules with their students.

IV. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

All school bus drivers shall be adequately prepared, both physically and mentally, each day to perform required duties. The driver is in full charge of the bus and the driver's duties include:

A. Operating the vehicle in a safe and efficient manner.

1. Safety. The primary concern of each driver is safety. Drivers will exercise extreme caution during the loading and unloading process as well as when driving.
2. Defensive Driving. All drivers are to drive defensively at all times. A definition of defensive driving is: driving in a manner to avoid accident involvement despite adverse conditions created by roads, weather, traffic, or errors of other drivers or pedestrians.

3. Driving Adjustments. Winter and wet weather driving may require adjusting speed and normal driving practices to compensate for road conditions.
4. Emergency Doors. Emergency doors must be free and operable. Under no circumstances may the doors be obstructed to prevent easy access.
5. Service Door. The service door of the bus must be closed at all times while the bus is in motion.
6. Overloads. The registration card in all vehicles designates the maximum number of passengers allowed to be carried. This limit cannot be exceeded. A driver should call the designated individual for instructions should a vehicle become overloaded.
7. Railroad Crossings. All vehicles used to transport must stop at railroad crossings, using required procedures, whether they are loaded or empty. School buses shall not activate the eight-way lights; four-way hazard lights are to be used before stopping and when crossing the tracks.
8. Speeding and Other Moving Violations. No bus will travel faster than road, traffic, and weather conditions safely permit regardless of the posted speed limit. Any driver convicted of a moving violation with a school bus will face disciplinary action. Other reports or warnings regarding speeding will result in suspension and/or termination.
9. Smoking Prohibited. Smoking by either the driver or the passengers is prohibited on any school bus, Type III vehicle, or on school property.

B. Conducting thorough pre-trip and post-trip inspections of the vehicle and special equipment.

1. Bus Inspection. Drivers are required to make a pre-trip inspection of the bus before each trip. Failure to do so is a violation of state law. Defects are to be reported in writing. Drivers are required to check their buses for students, vandalism, and articles left on the bus after each route segment.
2. Safety Equipment. All drivers are responsible for ensuring that the necessary safety equipment is aboard the bus, including fire extinguisher, first aid kit, bodily fluids clean-up kit, flashlight, reflectorized emergency warning device, and any additional items required by the District. Drivers of vehicles for disabled students will ensure all student health information cards are on board the bus.
3. Bus Cleaning. Drivers are required to keep the interior of their buses swept and free of trash at all times.
4. Fueling. The driver is responsible for ensuring that his or her assigned vehicle is adequately fueled before leaving the yard. Smoking is prohibited in the fueling area. The engine shall be turned off while fueling. Drivers should never fuel with passengers aboard.

C. Ensuring the safety, welfare, and orderly conduct of passengers while on the bus. (See Section II)

D. Meeting emergency situations in accordance with operating procedures. (See Section V)

E. Communicating effectively with school staff, students, parents, law enforcement officials, and the motoring public.

1. Relations with Students. Bus drivers will treat students with respect and will refrain from any conduct which is intended or could be perceived as demeaning, intimidating, or harassing and shall endeavor to establish and maintain good rapport with the students.
2. Relations with School Officials. School officials can and will be of considerable assistance to drivers. They are trained in the education of students, and it is in their best interest that control and discipline be maintained on the bus. Therefore, it is

very important drivers have good relationships with the school officials and give them full cooperation.

3. Relations with the Public. It is important to remember that, to the general public, the driver represents the School District. Buses are one of the most visible vehicles on the road. Drivers must deal with students, parents, and other motorists in a polite, professional, and considerate manner.
4. Student Discipline. Although drivers are responsible for maintaining order on the bus, drivers must always remember that the types of actions they may use are limited. Drivers must never, under any circumstances, use corporal punishment. Drivers have no authority to deny a child the privilege of riding the bus or drop the student at other than the designated stop. Any denial of bus-riding privileges can come only from the school authorities.
5. Route Changes. No driver is to make changes in the pick-up or drop-off schedule for his or her route without prior authorization. No stops are to be added, deleted, or moved without approval. No driver may deviate from the established route without prior permission except as required by an emergency or temporary road conditions. All requests for route changes shall be referred to the Supervisor of Transportation.
6. Route Problems. Any problems, of whatever kind, encountered by a driver on the routes or trips should be brought to the attention of the designated individual as soon as possible.
7. Unauthorized Passengers. Only authorized passengers may be transported in a bus. Any other passenger must be specifically approved.
8. Notices. It is the responsibility of the driver to check for notices each day and to check with his or her supervisor regularly.
9. Schedules. Drivers shall maintain their schedules so that no bus is ever early at a stop.

F. Completing required reports.

It is the responsibility of the driver to completely fill out and timely turn in all reports, discipline referrals, time cards, and mechanical defect slips as required. This includes all requirements pertaining to pre-trip inspections and stop-arm violation reports.

G. Completing required training programs successfully. (See Section VI)

H. Providing maximum safety for passengers during loading and unloading.

1. Standeers Prohibited. Standeers are not allowed on a moving school bus. Drivers must not move a bus from a stopped position until all passengers are seated. Students are to remain seated until the bus has stopped.
2. Dangerous Articles. No weapons or articles that may be classified as dangerous may be transported on a school bus. This includes any and all weapons, gasoline cans, animals, and other dangerous or objectionable items. Possession of weapons on school property or the bus will not be tolerated. Companion dogs are allowed.

I. Wearing driver's seat belt whenever the bus is in motion.

Additional driver duties and responsibilities may be found in the driver handbook. All bus driver dismissals will be reported to the Department of Public Safety pursuant to Department of Public Safety directions.

V. OPERATING RULES AND PROCEDURES

A. General Operating Rules

1. All routes shall be on file with the School District's Supervisor of Transportation.
2. Only students assigned to the school bus by the District shall be transported. The

number of students or other authorized passengers transported in or assigned to a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.

3. Drivers are to enforce the provisions of the school bus and bus stop rules as appropriate. Students may be released from the bus at only two points, the designated bus stop or at school, except in case of an emergency or as otherwise authorized.
4. The parent/guardian may designate by a signed, written request, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet other eligibility requirements.
5. Students who misbehave severely may be returned to the school immediately and reported to the building principal or other designated individual.
6. Safety evacuation drills for the student-passengers shall be conducted at least twice a year.
7. There shall be no students in the bus while the fuel tank is being filled. On leaving the vehicle when students are in the bus, the driver shall stop the bus, remove the ignition key, set the brakes, and otherwise render the bus immobile.
8. Buses shall not be run backwards on the school grounds or any other point if it can be avoided. If it is necessary to run a bus backwards on school grounds, the driver shall have another responsible person act as a guard flagman in back of the bus to keep other persons out of the path and to issue warnings to the driver of approaching traffic.
9. When arriving or leaving the school grounds, the driver must not follow closer than fifty (50) feet from the vehicle directly in front of the bus or closer than five hundred (500) feet when traveling on the highway.
10. No school bus shall pull any trailer when students are being transported on regular routes to or from school.
11. In case of an accident or breakdown of the bus, the driver shall contact the dispatcher using the two-way radio. If no radio contact is available, the driver shall not leave the bus but shall send two responsible students to the nearest house to summon help.
12. The District may adopt such additional operating rules as are deemed necessary to meet local conditions and needs, provided they do not conflict with State laws and regulations.

B. Use of Signals, Loading or Unloading

1. The driver shall activate the flashing eight-light system of the bus at least three hundred (300) feet before stopping to load or unload students when outside an incorporated municipality, and one hundred (100) feet when operating within an incorporated municipality, and shall not extinguish such lights until loading or unloading is completed and persons who must cross the roadway or highway are safely across. The driver shall not activate the flashing eight light system on streets designated by the School Board.
2. Bring the vehicle to a complete stop in the right hand lane of the roadway parallel to the centerline.
3. Prior to discharging students, open door, activate red flashing lights and extend the stop arm. Discharge students only after all traffic (front and rear) has come to a complete stop.
4. Keep door open and eight-light system operating until all students have been loaded or unloaded safely.
5. The driver should avoid loading or unloading students where the view is obstructed

- to other motorists for two hundred (200) feet in either direction.
6. The driver will not permit students to stand or get on or off the bus while it is in motion.
 7. The driver will bring the bus to a full stop and disengage gears by shifting gear shift lever into neutral position or selector into neutral or park position before loading or unloading students.
 8. Buses shall load and unload students only at designated locations.

C. Crossing Highways and Streets

1. The driver shall be responsible for safely delivering the students who must cross the highway or street by one of the following methods:
 - a. Students shall pass approximately ten (10) feet in front of the school bus so as to be seen by the driver and cross the road only upon receiving a hand signal from the driver, or
 - b. The student shall pass approximately ten (10) feet in front of the bus so as to be seen by the driver and be conducted across the road by the school bus patrol, or
 - c. The driver shall personally conduct the students across the road after following required procedures for disabling the bus.
 - d. The driver shall visually ascertain that students getting off the bus who do not need to cross the road are a safe distance from the bus before moving the vehicle.

D. Type III Vehicles

1. Are defined as a passenger car, station wagon, van or bus having a maximum seating capacity of 10 or fewer people, including the driver, and a gross weight of 10,000 pounds or less. Any Type III vehicle used to transport students must carry all emergency equipment listed in Section IV.B.2. If District-owned, the District name will be clearly marked on the side of the vehicle.
2. The vehicle must comply with the Type III vehicle standards set forth in state statute 169.454.
3. Use of Type III vehicles shall be requested on a Field Trip Authorization form filed with the school principal.
4. Students will not be regularly transported in private vehicles. However, private vehicles may be used in an emergency. The District has no system of inspection for private vehicles.
5. The driver of a District Type III vehicle must conduct a pre-trip inspection. The Transportation Department regulates what is included in this inspection.
6. All drivers who transport students in Type III vehicles are subject to the same license check requirements as District school bus drivers as required by state law. Each employee who is to transport students in a Type III vehicle must first verify that they are qualified to do so. The principal at each school is responsible for maintaining a list of employees who have had their license checked and who can transport students.

VI. SCHOOL BUS DRIVER TRAINING

A. Training

All new bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction before transporting students and shall meet the competencies specified

by the Department of Public Safety. All school bus drivers shall receive a minimum of eight hours of in-service training annually.

The following driver training standards represent the **minimum** areas of training which each driver must receive prior to entering service to the School District.

1. Pre-Trip Inspection

Both new and experienced drivers must be familiar with the elements of the mandatory pre-trip inspection required under Minnesota law including:

- The engine compartment - belts, valves, fluid leaks
- Engine start, warning lights, gauges, horn
- Fuel level
- Brakes - pedal reserve and air/vacuum gauges
- Interior - seats, floor, lights
- Electrical charging system
- Emergency door:
 - a. smooth latch operation
 - b. alarm buzzer
- Entrance door operation
- Lift door operation and alarm
- Lift equipment for wheelchairs
- Wheels, service brakes, emergency brake
- Exterior lights - headlights, brake lights, market lights, turn signals
- Exhaust system
- Windows, windshield, and inspection sticker
- Eight-light system and stop arm
- Emergency equipment - first aid kit, bodily fluids clean-up kit, flashlight, reflectors, two-way radio

2. Fundamentals and Techniques of School Bus Driving

- The driver training program must include:
 - Relevant laws
 - Rules of the road and School District safety policies
 - Defensive driving
 - Driving in inclement weather conditions:
 - a. reduced visibility - rain, snow, fog
 - b. wet roads
 - c. icy roads
 - Dealing with pedestrians and students in traffic
 - Operation of the manual or automatic transmission
 - The use of the drive train for stopping the school bus
 - Situations where the hand brake will and will not stop a moving bus
 - Steering and turning techniques
 - Right and left turn maneuvers
 - Gauging the speed of other vehicles on cross streets
 - Use of mirrors
 - Merging into traffic
 - Visual perceptions
 - Safe following distances
 - Safe passing procedures
 - Safe backing procedures
 - Use of the eight-light system and School District regarding its use
 - Loading and unloading procedures

- Knowledge of the danger zone concept
- Policies and Procedures for grade level railroad crossings
- Emergency use of the public address system
- Response to an approaching emergency vehicle while unloading
- Leaving the bus unattended at school sites

3. Special Services Transportation

Special Services transportation requires skills and abilities that exceed those required to provide normal school bus service. Drivers will be familiar with:

- What to do in a medical emergency
- Handling of wheelchairs
- Operation of lift equipment
- Proper use of wheelchair securement devices
- School District policies on the use of seat belts on designated students
- Handicapping conditions
- Responsibilities of the bus driver and the bus aide
- School District policy in situations where a responsible person is not available to receive a student

4. Emergency Procedures

Drivers must be prepared to deal with emergency situations while operating on routes and field trips. Included in these emergency situations are mechanical breakdown, fire, accident, or passenger injury. Drivers are to receive training in:

- Identifying the degree of an emergency before beginning an evacuation
- Identifying a safe evacuation unloading area
- Preplanning emergency evacuations for both conventional and lift buses:
 - a. front, rear, and both door evacuations
 - b. evacuation of special education students
 - c. evacuation of physically disabled students and students using wheelchairs
 - d. placement of students in a safe location
- Cooperation in emergency evacuation drills
- Mechanical breakdowns:
 - a. stop bus in safe location
 - b. keep passengers in bus if safe to do so
 - c. take steps to warn motorists
 - d. radio or call for assistance
- How to secure the school bus and place emergency triangles
- Use of the two-way communication system in an emergency
- When it is appropriate to evacuate the school bus
- How to supervise an emergency evacuation
- Emergency evacuation of the disabled
- Special considerations when evacuating a lift bus
- Lifting techniques for handling disabled students in an emergency situation
- Priorities when dealing with injured passengers
- How to use the school bus first aid kit
- Use and operation of the fire extinguisher
- Dealing with other motorists and the police
- Use of emergency reflectors and hazard lights

- Control of exposure to blood borne pathogens
- Use of body fluid clean-up kits
- School District policy on medical emergencies
- Recognition and handling of epileptic seizures
- How to respond if a passenger has a weapon on the bus

5. First Aid/CPR

All drivers must demonstrate proficiency in first aid and CPR. This may be shown by current certification in CPR and first aid by the American Red Cross or American Heart Association or equivalent.

6. Private or Confidential Student Information

Types of student data that are considered private or confidential under Minnesota Statutes.

7. Student Discipline

- Creating a positive attitude on the school bus
- Oral and visual communications skills between the driver and the passenger
- Dealing confidently with a disruptive student
- District discipline policy
- Developing and enforcing workable rules
- Incident report forms
- District policy on possession of weapons by a student
- District policy on sexual, racial, and religious harassment/violence
- District policy on smoking

8. Human Relations

- Appropriate driver behavior
- Sensitivity to a diverse student population
- Sensitivity to handicapping conditions
- Relations with parents and school staff
- Working with a special education bus aide

9. Chemical Abuse

- How alcohol and/or drugs can affect driving skills
- Drug-testing programs
- State and federal requirements

B. Evaluation

All drivers will be evaluated for the following competencies at least once annually:

1. safely operate the type of school bus the driver will be driving
2. understand student behavior, including issues relating to students with disabilities
3. ensure orderly conduct of students on the bus and handle incidents of conduct appropriately
4. know and understand relevant laws, rules of the road, and local school bus safety policies
5. handle emergency situations
6. safely load and unload students
7. demonstrate proficiency in first aid and CPR procedures

VII. EMERGENCY PROCEDURES

A. Fire

In the event of a fire, the first priority is to evacuate the bus. Drivers will make certain passengers are safe before attempting to put out the fire.

B. Injuries/Medical Emergencies

Drivers and bus helpers will be familiar with first aid and CPR procedures. Drivers should first contact the dispatcher to call 911 in the case of serious injuries. Drivers should administer proper first aid in accordance with their training and level of ability. In the event an injured passenger is taken to the hospital, record the students' name and the name of the hospital where the student is sent.

C. Tornado

If there is likelihood that the tornado will hit a vehicle, and there is no escape route available or no time to drive to a safe location, the driver should evacuate the bus, taking the first aid kit. The driver will take the students to the basement of a nearby building or to the nearest depression or ditch upwind (toward the storm) of the bus far enough away from the bus so that the bus will not roll over on them and instruct them to cover their heads with their arms. If the students are wearing coats or jackets, these can be used to provide additional protection for their heads and bodies. Drivers should take only the first aid kit from the bus.

If drivers are on the road when they hear a tornado warning or spot a funnel and there is not time to evacuate the students after stopping the bus, drivers should have the students assume the protective position, remaining in their seats, with their heads below window level.

D. Evacuation

Drivers should evacuate buses only when there is a danger of fire, collision, or other potential hazard. Drivers should inform passengers that there is an emergency, and in very calm and precise terms, tell them exactly what they are to do. When safely possible, drivers will keep all evacuees a minimum of one hundred (100) feet from the bus. They should be loaded back onto the bus only when the driver has determined it is safe to do so.

E. Accident

In case of an accident, the driver should immediately assess students for injuries and begin any emergency first aid procedures if necessary. The driver must also notify the School District and law enforcement of any school bus accidents immediately.

Upon providing emergency care and notifying the District, the driver shall:

1. In cooperation with police officer and/or ambulance service, assist with the care of students.
2. See that all injured students receive proper care.
3. Determine facts pertaining to accident.
4. Call Transportation/District staff to give list of names and circumstances so they can begin calling parents.
5. Discuss the accident only with police and School District officials.
6. Record all students' names.
7. Not leave the scene of an accident until released by the driver's supervisors.

Before leaving for the day, the driver shall fill out an accident report. All bus accidents will be reported to the Department of Public Safety.

F. Cold Weather Stop

If a driver is stuck or stalled in cold weather, the driver should call for assistance and wait for help. The driver should avoid relying on the engine to provide heat for the driver and passengers as long as possible. If it is necessary to run the engine to provide heat, the

driver will make sure the exhaust pipe is clear of snow, open windows for ventilation, and check passengers frequently for headaches or drowsiness.

G. Dangerous Weapons

If a driver observes or learns that a passenger may have a dangerous weapon on the bus, he or she should remain calm and call for assistance using a predetermined code. The driver should give the location of the bus to the dispatcher, continue the route, and wait for assistance. The driver should not inform the passenger suspected of having the weapon that he or she knows of the weapon.

H. Lights

In an emergency stop, the driver should turn on the four-way hazard warning lights and running or clearance lights.

I. Getting Assistance

Use the two-way radio communications system to get assistance. Drivers should report the location and number of the bus, the nature of the problem, and the status of the passengers. If the driver cannot use a radio to contact the dispatcher, ask a passerby or other motorist to do so from the nearest telephone. The driver should write out the number and location of the school bus, the nature of the emergency, and the status of the passengers.

VIII. VEHICLE MAINTENANCE STANDARDS

A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the School District.

B. All school vehicles shall be inspected in accordance with legal requirements.

C. Daily pre-trip inspections shall be required and prompt reports submitted of defects to be immediately corrected.

IX. EXPENDITURES FOR SCHOOL BUS SAFETY ACTIVITIES

A description of School District funds expended for school bus safety activities from student transportation reserved revenue is kept in the office of the Superintendent and is available for review. As required by law, these expenditures will be annually reported to the Department of Public Safety.

The School District's expenditures for transportation safety are incorporated by reference into this policy.

X. SCHOOL TRANSPORTATION SAFETY DIRECTOR

The School Board has designated an individual to serve as the School District's School Transportation Safety Director. The name, address, and telephone number of the School Transportation Safety Director are on file with the Superintendent. Any questions regarding student transportation or this policy should be addressed to the School Transportation Safety Director.

References: Mn Rules 7414.00

Mn Statutes 123B.91, 171.321, 171.3215

Adopted: 10-18-1994 ISD 709
Revised: 06-20-1995
07-20-1999
04-16-2002 ISD 709

3180 CHILD NUTRITION

The School District's purpose in having a Child Nutrition program is to make it possible for all students to have a nutritionally adequate lunch and, in selected situations, breakfast. Breakfast programs will be provided at school sites where experimental programs sustained a participation of at least twenty-five (25) students.

1. Operational Objectives

- a. To make the maximum contribution to the educational experience of students.
- b. To be non-profit and to offer minimum competition to commercial firms.
- c. To comply in every way with federal, state, and School Board policies and regulations.
- d. To cooperate with all segments of the School District in providing appropriate service aside from the normal child nutrition operation, such as banquets, special events, etc.
- e. To comply strictly with laws and regulations pertaining to health, sanitation and safety, internal accounting, employment practices, dietary components, meal prices, and periodic reporting as required.

2. Operational Procedures

- A. The Child Nutrition Department shall be under the direction of the Supervisor of Child Nutrition.
- B. The Child Nutrition Cafeteria Manager in each school has a dual reporting relationship, i.e., to the principal for day-to-day directions, such as serving times, special events, emergency situations, etc., and to the Supervisor of Child Nutrition or his/her designee for overall operations, such as menus, inventory, working hours, money collections, staffing levels, etc.
- C. All students may bring their meals or purchase hot meals, but shall in all cases be subject to the rules and regulations of the building. The principal shall be responsible for the execution of such rules and regulations.
- D. Food, other than that offered through the regular meal program, will be made available to students during school hours only when in compliance with the following conditions:

(1) Food or beverages offered prior to or during regular lunch serving time shall be food which contributes to the nutritional needs of students and not be food items classified as empty calorie foods and will not be offered in direct competition or in place of established district supported meal programs. Some acceptable items would be fruit, vegetables, juice containing at least 50% real juice, milk, consommé, sandwiches, ice cream, or bread items made from enriched or whole grain flours, etc.

(2) Food or beverage vending machines in schools must be inoperative from the beginning of the school day until one-half hour after the end of the last lunch period of the day unless the foods or beverages contained therein comply with #1 above.

E. Foods, other than that provided and prepared by Child Nutrition Department employees, shall be under the regulations of the St. Louis County Health Department.

F. Banquets or special dinners may be served in school cafeterias for school related functions. The costs of these services shall be paid by the using group and using group shall adhere to the following:

(a) All food and beverage is delivered, prepared, and ready to serve in the cafeteria.

(b) The cafeteria manager is on duty and paid by the organization to supervise the usage of the facility.

(c) Dishes and silver of the cafeteria may be used, but it shall be the responsibility of the organization under the direction of the cafeteria manager to return, clean, and store items in the same manner before its usage.

(d) All requests and arrangements for cafeteria use must be made in advance through the building principal and coordinated with the cafeteria manager.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

~~3180 — CHILD NUTRITION~~

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~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

3185 CHILD NUTRITION COMMODITIES

Child Nutrition commodities are expressly for use in the preparation of children's lunches. Proper inventories and controls at each building shall be enforced to ensure maximum economies and compliance with the intended use of the commodities.

Adopted: 06-09-1970 ISD 709

Revised: 06-20-1995 ISD 709

~~3185 CHILD NUTRITION COMMODITIES~~

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~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

3187R INTERNET USE REGULATIONS

These regulations pertain to the use of District and personal technology resources while on school property, in school vehicles and at school-sponsored activities, as well as the use of District technology resources via off-campus access.

A. Appropriate Use of Technology Resources for Students

(1) Introduction

The Duluth Public Schools is pleased to offer students access to District computers, communications systems¹, the Internet and an array of technology resources to promote educational excellence. Each student is responsible for his/her use of technology, whether personal or District-provided. While using District and personal technology resources on school property, in school vehicles and at school-sponsored activities, as well as using District technology resources via off-campus access, each student must act in an appropriate manner consistent with school, District, and legal guidelines in this limited forum. It is the joint responsibility of school personnel and the parent or guardian of each student to educate the student about his/her responsibilities and to establish expectations when using technology.

(2) Using the Internet and Communications Systems¹

District technology resources are provided to students to conduct research, complete assignments, and communicate with others in furtherance of their education.

- (a) Access is a privilege not a right; as such, general rules of school behavior apply.
- (b) Access to these services is given to students who agree to act in a considerate and responsible manner. Just as students are responsible for good behavior in a classroom or a school hallway, they must also be responsible when using school computer networks or personal technologies.
- (c) Students must comply with District standards and honor this agreement to be permitted the use of technology.
- (d) All digital storage that is provided by the District is District property, and as such, authorized district employees may review files and communications to maintain system integrity and ensure that students are using technology responsibly.
- (e) Students should not expect District provided file storage will be private.
- (f) The educational value of technology integration in curriculum is substantial. Access to the Internet will enable students to use extensive online informational resources.
- (g) Families should be warned that some material accessible via the Internet might contain items that are illegal, defamatory, inaccurate, profane, sexually oriented or potentially offensive to some people. While the intent is to make Internet access available to further educational goals and objectives, students may find ways to access these other materials as well. The Duluth Public Schools does not condone or permit the use of this material and uses content filtering software to protect students to the extent reasonable.
- (h) Parents and guardians must be aware that content filtering software is not completely fail-safe and while at school, direct supervision by school personnel of each student using a computer is desired but not always possible.
- (i) Students are expected to use technology resources in a manner consistent with the rules below and will be held responsible for their intentional misuse.
- (j) The Duluth Public Schools believes that the benefits of student access to the Internet in the form of information resources and opportunities for collaboration exceed any disadvantages.

- (k) Ultimately, parents and/or guardians are responsible for setting and conveying the standards that their children should follow when using technology. If a student accidentally accesses inappropriate material they should back out of that information at once and notify the supervising district employee.
- (l) When on district property or at a district sponsored event personal technologies must use district provided internet.

(3) Proper and Acceptable Use of All Technology Resources

All District technology resources, including but not limited to District computers, communications systems¹ and the Internet, must be used in support of education and academic research and must be used in a manner consistent with the educational mission and objectives of the Duluth Public Schools.

Activities that are permitted and encouraged include:

- (a) school work;
- (b) original creation and presentation of academic work;
- (c) research on topics being studied in school;
- (d) research for opportunities outside of school related to community service, employment or further education consistent with District requirements

Activities that are not permitted when using District or personal technologies include but are not limited to:

- (a) plagiarism or representing the work of others as one's own;
- (b) any activity that violates a school rule or a local, state, federal, or copyright law;
- (c) using obscene language; harassing, insulting, ostracizing, cyber bullying or intimidating others;
- (d) representing Copyright ©, Registered ®, and/or Trademark ™ materials as one's own work;
- (e) searching, viewing, communicating, publishing, downloading, storing, or retrieving materials that are not related to school work, community service, employment, or further education (thus, searching inappropriate materials is not permitted);
- (f) damaging or modifying computers, networks or District-installed software;
- (g) intentional or neglectful transmission of viruses or other destructive computer files; hacking into District or external technology systems; intentionally bypassing District filters;
- (h) use of USB, bootable CDs, or other devices to alter the function of a computer or a network;
- (i) subscription to any online services or ordering of any goods or services;
- (j) online sharing of any student's or staff member's name, home address, phone number or other personal information;
- (k) non-educational uses such as games, role-playing multi-user environments, gambling, junk mail, chain mail, jokes or raffles;
- (l) non-district supported participation in online Web 2.0 tools including but not limited to texting and social media unless specifically assigned by a district employee;
- (m) use of District resources for commercial purposes, personal financial gain, or fraud, including but not limited to any activity that requires an exchange of money and/or credit card numbers, any activity that requires entry into an area of service for which the school will be charged a fee, any purchase or sale of any kind; and any use for product advertisement or political lobbying;
- (n) pornographic, obscene, or vulgar images, sounds, music, video, language or

- materials, including screen savers, backdrops, and/or pictures, are prohibited
- (o) downloading, uploading, or importing games, screen animations as well as programs or files that can be run or launched.
 - (p) Illegal use or transfer of copyrighted materials to a school-owned technology device is prohibited
 - (q) File sharing unless District approved.
 - (r) Adding, modifying or deleting files, except in the student's 'directory' or 'home directory,' are prohibited.
 - (s) Putting non-school related material (files) on school district technology devices is prohibited.
 - (t) Altering/modifying the original District pre-set software image is prohibited. Examples include, but are not limited to:
 1. loading/installing any software applications
 2. changing the desktop picture
 3. changing the computer name
 4. changing or removing operating system extensions
 5. altering security software
 6. altering the pre-loaded operating system or applications
 7. taking apart the computer for access to internal parts

Students are expected to report harassment, threats, hate-speech and inappropriate content to a teacher or administrator. If a student has any questions about whether a specific activity is permitted, he or she should ask a districted employee.

(4) Online Assessments

Student assessments may be conducted using technologies such as the Internet or audience response systems. Normally, students will use these technologies as a part of their instructional day. Privacy and security, as defined above, along with confidentiality of assessment responses, are expected.

(5) Vandalism

Any intentional act by a student that damages District technology hardware, software, operating systems, data, or services will be considered vandalism and will be subject to school rules and disciplinary procedures. Any intentional act that requires a person's time to repair, replace, or perform corrective work on District technologies or data is also considered vandalism.

(6) Consequences of Misuse

- (a) Misuse of personal² or District technology resources while on school property, in school vehicles and at school-sponsored activities, as well as the use of District technology resources via off-campus access may result in disciplinary action up to and including expulsion.
- (b) This regulation shall be used in conjunction with Duluth Public Schools' student policies. In addition, the student's use of District technologies may be suspended or restricted.
- (c) A school may temporarily hold (pending parental and/or same-day pick up) personal technology resources that are used inappropriately.
- (d) Individual schools may choose to have additional rules and regulations pertaining to the use of personal, resources in their respective buildings.
- (e) Intentional unauthorized access and/or damage to hardware, software, operating systems, data; or services may be punishable under local, state, or federal law.

(7) Student Access

Parents or guardians who do not wish their children to access the Internet must return the "**Student Internet Permission Form**" to their children's schools by the date indicated on the form. These forms will be distributed to all households with the Back-to-School information in August prior to the start of the school year.

(8) Student Photographs and Works Displayed on the Internet

Parents or guardians who do not wish their children's pictures or their children's student work to be displayed on the Internet must return the "Request To Deny Public Access To Directory Information and Annual Notification Of Rights Under the Family Education Rights And Privacy Act (FERPA)" form to their children's schools by the date indicated on the form. These forms will be distributed to all households with the Back-to-School information in August prior to the start of the school year.

B. Appropriate Use of Technology Resources for Staff

Employees of Duluth Public Schools are granted the privilege of using technology only in an authorized and acceptable manner. Generally, a use is unacceptable if it conflicts with Duluth Public Schools or the individual department's purpose, goal, or mission, or interferes with an employee's authorized job duties or responsibilities as determined by his/her immediate supervisor. For purposes of this policy, the term "staff" includes permanent and temporary personnel, substitutes, contract personnel, hourly non-contract personnel, student teachers, volunteers, and outside agency personnel allowed use of District technology access.

Administration reserves the right to archive, monitor, review, and audit an employee's use of technology at any time. By using technology, the user consents to this monitoring.

(1) Proper and Acceptable Use of All Technology Resources

Examples of acceptable uses include, but are not limited to, the following types of communication:

- (a) for educational purposes;
- (b) with students, staff, parents, and other customers of the District;
- (c) with federal, state, and local government personnel or agencies, and private businesses with which the School District conducts business;
- (d) for professional development;
- (e) for administrative purposes;
- (f) limited and judicious use of technology for personal use so long as the use is not unacceptable use or violation of School Board policy or the law, and work productivity is not impacted. Employees are to use technology for personal use during designated break time or before/after scheduled work hours;
- (g) limited and judicious use of technology for union business. Prior authorization is required from the Department of Human Resources or Superintendent.

Activities that are not permitted when using District or personal technologies include but are not limited to:

- (a) excessive personal use of technology. Personal use will be deemed excessive if, in the opinion of an employee's immediate supervisor, the use detracts from the individual employee's or the department's productivity;
- (b) communicating to promote personal business ventures (e.g., advertise, promote, or attempt to sell any product, investment, insurance, or other financial proposition) or solicit funds for personal business, political, religious, or other personal causes;
- (c) communicating for illegal purposes including, but not limited to: political lobbying, violating copyright laws, downloading, copying, or using unauthorized software (including screensavers), creating or knowingly spreading viruses, impersonating another user, or accessing restricted systems;
- (d) interfering with or disrupting network users, services, or equipment including, but not limited to: creating or forwarding chain letters, subscribing to any form of personal mailing list; damaging equipment, accessing a system (including using another user id and/or password) without authorization, altering software settings such operating system configurations (except for wallpaper, default colors, and other standard desktop customization settings), or destroying communications systems or electronic files;
- (e) accessing or distributing any communication which may constitute or contain intimidating, hostile, pornographic, offensive or discriminatory material on the basis or sex, race, color, religion, nation origin, sexual orientation or disability;

(2) Social Media Networks

The District recognizes the importance of online social media networks as a communication and e-learning tool. Toward that end, the District provides access to password-protected social media tools and District-approved technologies for e-learning and encourages use of District tools for collaboration by employees. However, public social media networks, outside of those sponsored by the District, may not be used for classroom instruction or school-sponsored activities without the prior authorization of the Superintendent, or designee, and parental consent for student participation on social networks. The District may use these tools and other communication technologies in fulfilling its responsibility for effectively communicating with the general public.

The District recommends Google Apps as its password protected social medial tool for educational use. The District has greater authority and responsibility to protect minors from inappropriate content and can limit public access within this limited public forum.

All social networking must be conducted using district-approved and/or provided and password-protected social media tools and technologies for e-learning. The District prohibits social networking relationships on non-district approved networks between employees in their roles as employees and students as well as between employees and alumni under the age of 18. The District does not discourage staff from having social networking relationships with students who are family members. "Family members" include the immediate family of a staff member, spouse, or registered domestic partner and shall include father, mother, brother, sister, husband, wife, child, grandparent, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, daughter-in-law, sister-in-law, and grandchild. Teachers are reminded of their responsibility to abide by the professional code of ethics at all times, including during the use of social networking sites. Employees have responsibility for maintaining appropriate employee-student relationships at all times and have responsibility for addressing inappropriate behavior or activity.

(3) Consequences of Misuse

- (a) Misuse of personal or District technology resources while on school property, in school vehicles and at school-sponsored activities, as well as the use of District technology resources via off-campus remote access may result in disciplinary action up to and including termination.
- (b) Intentional unauthorized access and/or damage to networks, servers, user accounts, passwords, or other District resources may be punishable under local, state, or federal law.

C. Privacy and Security

Students and staff must use District technologies responsibly and in a secure manner. They must not share their logins, passwords, or access with others. By using technology, staff is agreeing to, and understands, it is their responsibility to protect employee and/or student information accessed through the Financial/Human Resources information system and/or student information system, and will not release the data to any unauthorized employees or outside agencies.

D. Reliability and Limitation of Liability

- (a) The Duluth Public Schools makes no warranties of any kind, expressed or implied, for the technology resources it provides to students and staff.
- (b) The Duluth Public Schools will not be responsible for any damages suffered by the student, including those arising from non-deliveries, mis-deliveries, service interruptions, unauthorized use, loss of data, and exposure to potentially harmful or inappropriate material or people. This applies to personal use of technology by students and staff.
- (c) Use of any information obtained via the Internet or communications technologies is at the student's or staff's own risk.
- (d) The Duluth Public Schools specifically denies any responsibility for the accuracy or quality of information obtained through the Internet.
- (e) The student and his/her parent/guardian will indemnify and hold the Duluth Public Schools harmless from any losses sustained as the result of misuse of the District's technology resources by the student.

¹(Communication systems include e-mail, web social media, phones, pagers, text messaging, instant messaging, blogging, podcasting, listservs, and/or other emerging technologies).

²(Personal technologies include but are not limited to cell phones, digital and image devices, handheld electronic devices, two-way radios, and/or other emerging technologies).

References: MSBA/MASA Model Policy 524

Duluth School District Policy 5085 (School Discipline Policy)
 Duluth School District Policy 3090 (Copyright Policy)
 Duluth School District Policy 4025 (Standards of Conduct for Personnel)
 Duluth School District Policy 3187 (Use Policy for Technology and Internet Access)
 Boulder (Colorado) School District Acceptable Internet Use Policy
 Henrico (Virginia) County Public Schools Acceptable Use Policy
 E-rate Central
 Children's Internet Protection Act
 Protecting Children in the 21st Century Act

Adopted: 12-16-1997 ISD 709
 Revised: 07-21-1998 11-20-2007
 09-21-1999 05-04-2010
 02-15-2000 09-20-2011

06-19-2001
02-19-2002
04-20-2004
06-12-2007

04-02-2012
05-24-2012
06-19-2012
04-23-2013 ISD 709

3189.2R EMPLOYEE USE OF DISTRICT LICENSED SOFTWARE

A. General

Companies that sell computer software to the District generally retain media rights over the software. Media rights are typically set forth in the software license. Some companies that sell software to the District provide a software license which, subject to various restrictions, may allow certain District employees to install and use the software on a personal home computer. Other companies provide a software license which prohibits any type of installation or use on a home computer.

B. Scope and Application

The installation and use of District licensed software on an employee's home computer is a privilege, not a right. Proper home use of District licensed software by an eligible employee can benefit both the District and the employee.

This policy applies to all District employees who install or use any District licensed software on a home computer. Not all employees are eligible to install and use District licensed software on their home computer. Only those employees who have the right to access and use the software on a District owned computer during the regular course of their employment with the District are eligible to install and use District licensed software on a personal home computer. Such employees may use District licensed software which is installed on a home computer solely for school business purposes, including educational purposes. Personal use is prohibited.

C. District Responsibilities

The District's Technology Division is responsible for the management of all software media licenses. The Technology Division will review the District's software media licenses and develop a list of software which eligible employees may install and use on their home computer subject to this policy and the terms of the software license.

Before loaning District licensed software to an eligible employee for installation on an employee's home computer, a member of the Technology Division must provide the employee a copy of the software license, and the employee must provide the Technology Division with a signed and completed Agreement for Home Use of District Licensed Software. The District's Director of Technology is authorized to sign that Agreement on behalf of the District.

D. Employee Responsibilities

1. Before borrowing any District licensed software for installation or use on a personal home computer, the employee must complete and sign an Agreement for Home Use of District Licensed Software, a copy of which is set forth below.
2. The employee must personally own the computer that is identified in the Agreement for Home Use of District Licensed Software.
3. The employee may install the District licensed software only on the computer identified in the signed and completed Agreement for Home Use of District Licensed Software. District technical staff will not install any District software on another employee's home computer, and District technical staff are not responsible for providing assistance or training on how to install District licensed software on a personal home computer.
4. The employee will pay all costs that are directly or indirectly related to the installation of District licensed software on the employee's home computer.
5. The employee will not give, loan, or knowingly allow any other individual to copy, or otherwise use the diskette or CD containing the District licensed software.
6. The employee will not permit any other person to use District licensed software that

is installed on the employee's personal home computer. The employee will take reasonable precautions to ensure that other persons do not access or use District software that is installed on the employee's home computer.

7. The employee will use District licensed software that is installed on his/her home computer solely for school business purposes, including educational purposes. Personal use is prohibited.
8. The employee will comply with all applicable District policies including, but not limited to, District Policy 3190. The employee will also comply with all applicable copyright laws.
9. The employee will immediately and completely remove (i.e. uninstall and delete) all District licensed software, including fonts and other extensions or components of the software, from the employee's home computer if any of the following occur:
 - (a) the Director of Technology, the Superintendent, or the School Board requests in writing that the employee remove the software from his or her personal home computer;
 - (b) the employee resigns or retires, or the employment relationship is otherwise terminated; or
 - (c) the employee decides to transfer ownership of the home computer to any other person, including a family member. The employee will pay all costs that are directly or indirectly related to the removal of District licensed software from the employee's home computer.

E. Limitation of District Liability

Employees who install or use District licensed software on their personal home computers do so at their own risk. The District will not be responsible for any damage an employee incurs including, but not limited to, loss, damage or unavailability of data stored on the employee's diskettes, tapes, hard drives or servers. The District is not responsible for the accuracy or quality of any media storage device loaned to the employee. The District will not be responsible for financial obligations arising through unauthorized use of the District's licensed software.

References:

Duluth School District Policy 3190 and 3190R (Copyright Policy and Regulation)

Duluth School District Policy 3187 (Use Policy for Technology and Internet)

Duluth School District Policy 3189 and 3189R (Software Copyright and Management Regulation)

Approved: 05-16-2000 ISD 709

*Refer also to the required form of "Agreement for Home Use of District Licensed Software" (attached).

Agreement for Home Use of District Licensed Software

This Agreement is entered into by and between Independent School District No. 709, Duluth Public Schools ("District") and an employee of the District, (print name with middle initial) _____ ("Employee").

WHEREAS, the installation and use of District licensed software on Employee's home computer is a privilege, not a right.

WHEREAS, Employee desires to install and use District licensed software on Employee's personal home computer.

WHEREAS, Employee currently uses the software identified below on a District owned computer during the regular course of Employee's employment with District.

NOW, THEREFORE, IN CONSIDERATION OF the above and the mutual promises and agreements below, Employee and District hereby agree as follows:

1. District will loan Employee a diskette or CD containing the software identified in paragraph 3 below, so that Employee can install and use the software on Employee's personal home computer.
2. Employee has read, understands, and agrees to comply with Policy 3188R, District's policy regarding Employee Use of District Licensed Software. Employee understands that any violation of that policy could result in disciplinary action against Employee, including possible termination of his/her employment, as well as criminal or civil action against Employee.

3. Employee agrees that the District licensed software titled: _____, version number _____ will be installed only on Employee's personal home computer, which has the following identifying characteristics:

Computer Manufacturer: _____

Model: _____

CPU Serial Number: _____

4. Employee agrees to return the diskette/CD containing the software to the District Technology Division within seven (7) calendar days from the date of this Agreement, or obtain written permission from the Technology Division to borrow the diskette/CD for a longer period of time. If Employee fails to return the diskette/CD in working condition and within the allotted time, District or the software producer may charge Employee for the full retail cost of the software. Employee will be responsible for any loss, theft, or damage that occurs to the diskette/CD while it is on loan to Employee.
5. Employee agrees to immediately and completely remove (i.e. un install and delete) all District licensed software, including fonts and other extensions and components of the software, from the employee's home computer if any of the following occur: (a) the Director of Technology, the Superintendent, or the School Board requests in writing that Employee remove the software from his or her personal home computer; (b) Employee resigns, retires, or the employment relationship is otherwise terminated; (c) Employee decides to transfer ownership of the home computer to any other person, including a family member; or Employee decides to salvage/scrap the home computer. Employee will be responsible for any costs associated with the removal of District licensed software from Employee's home computer.
6. Employee agrees to assume all liability and reimburse District for any and all court costs and legal judgments that arise from Employee's failure to comply with this Agreement, the software license, and any applicable federal or state law. Employee understands that a violation of federal or state law could result in substantial monetary penalties and criminal action . 1
7. Employee understands that the installation or use of District licensed software on a personal home computer is at Employee's own risk, and Employee agrees that District will not be responsible for any damage Employee incurs as a result of installing or using District licensed software on Employee's home computer.
8. This Agreement will be placed in Employee's personnel file.

Dated: _____

Employee

Dated: _____

Director of Technology

Independent School District No. 709

RRM: 4539

3189R TECHNOLOGY SOFTWARE COPYRIGHT AND HARDWARE MANAGEMENT

A. Software Management

1. Duplicate Restrictions

Users 1 of ISD 709 technology may not duplicate any licensed software or related documentation for use on either ISD 709 premises or elsewhere unless ISD 709 is expressly authorized to do so by agreement with the licensor. Unauthorized duplication of software may subject ISD 709 and/or the user to both civil and criminal penalties under the United States Copyright Act.

Users may not give ISD 709 purchased/managed software to any non-ISD 709 employees unless specially authorized by ISD 709 and the software copyright holder. This will include parents, contractors, and/or students. ISD 709 users may use software on local area networks or on multiple machines only in accordance with applicable license agreements.

2. User Education

At the start of each school year, the Technology Division will design a District technology education program for employees. The program will cover, as a minimum, the District Technology goals and objectives, Internet use, software purchasing policies, Technology Help Desk procedures, and other issues that help employees' better use technology.

3. Budgeting for Software

When acquiring computer hardware and/or software, training, if required, must be budgeted at the same time. When purchasing software for existing computers, purchases will be charged to the appropriate department's/school's account.

4. Approval for Purchase of Software

To purchase software, users must obtain the approval of their supervisor or Director and then follow the same procedures ISD 709 uses for the acquisition of other ISD 709 assets. To assure software compatibility with hardware and network equipment, all software purchases must be coordinated through the Technology Division. Software specific to curriculum adoptions will be approved/coordinated through the appropriate curriculum committee. Software related to the curriculum will be approved/ coordinated through the site or department.

5. Software Testing Procedures

To maintain curriculum integration and a stable and reliable technical environment, instructional/administrative software will be tested before use on any district computer. Individuals requesting software will use the Computer Software Request/Evaluation form and send it to the Curriculum Division.

Unless required to comply with Federal or State law, or a Student's IEP, software testing and evaluation will be from April 15 to May 31. Software installation will normally be from June 1 to August 15. Software for student use must be supported by curriculum and integrated into Minnesota Graduation Standards or the teacher's lesson plan. Before software testing and deployment, the Technology Division will review the software licensing.

6. Acquisition of Software from School Funds

Software acquired by ISD 709 must be purchased through the Purchasing Department in coordination with the Technology Division with the appropriate accounting software code. If alternative school funds are to be used, the funds must be deposited into a District account code and proper purchasing procedures followed. Software acquisition channels are restricted to ensure that ISD 709 has a complete record of all software that has been purchased for ISD 709 computers and

can register, support, and upgrade such software accordingly.

7. **Acquisition of Software by individuals/companies or non-school District Organizations**

In order to limit District and individual liability and still recognize that a school has many sources for receiving software, individuals/companies or non-school District organizations that desire to purchase software for a school must donate the money to the school and allow the school to purchase the software through the software purchasing process.

8. **Registration of Software**

When software is purchased/received, it must first be delivered to the District Software Manager so he/she can complete registration and inventory requirements. The software manager is responsible for completing the registration card and returning it to the software publisher or otherwise properly register the software. Software purchased with school/District funds must be registered in the name of ISD 709 (as the user's name) and the School/Department (as the company name) in which it will be used. Due to personnel turnover, software will never be registered in the name of the individual user. The District Software Manager shall maintain a register of all Duluth Public Schools software and will keep a library of software licenses, Master Disks/CDs 2 and backup disks. All software used on District computers will have the master disks/CDs and any backups stored in the Software Library of the District Media Center Resource Library 3 . Software licensing will be reviewed prior to the purchase of any software.

9. **Installation of Software**

Prior to installation of any software, the license will be reviewed by the Director of Technology or designated person. Any restrictions will be noted on the installation sheet. The minimum allowable documentation for proof of ownership is the Purchase order and the master cd's. Software without proper documentation will not be installed on District equipment. All software will be verified for ownership through the software manager before installation takes place. Software installation sheets will be filled out for all installation of software for recording on the District system. After the registration requirements above have been met, personnel from the Technology Division will install the software. Manuals, tutorials, and other user materials will be provided to the user. If available, a copy of the applicable license agreement will be provided to the user. Once installed on server(s) or hard drive(s), the original diskettes/CDs 5 will be kept in the Software Library of the District Technology Division 6 and maintained by the District Software Manager. If a program requires the CD or other disks to operate properly, the District Software Manager will create backup copies of the CD or disks without the program installer. The backup disks will be given to the user.

10. **Home Computers (Non District Assets) and District Licensed Software**

Duluth Public Schools computers are organization-owned assets and must be kept both software legal and virus free. Only software purchased and/or registered through the procedures outlined above may be used on Duluth Public Schools machines. Organization-owned software cannot be taken home and loaded on a user's home computer without written authorization from ISD 709. Because of limited human resources required to load/install software on home computers, a user that desires to use a District licensed software package at home may be required to purchase a separate licensed package. In addition to limited human resources, there is a potential of program conflicts with the owner's home computer. For this reason, the Technology Division/School Technology Coordinators' personnel are prohibited from working with non-District owned assets at this time. The Director of Technology will evaluate the technology resources each school year and may recommend supporting non-district assets with district-licensed software.

11. Donated Computers and Software

Because ISD 709 cannot validate the original software configuration on donated computers, the Duluth Public Schools can accept donated computers under the following conditions: (a) All software including the operating system is removed. This will require a reformat of the hard drive and the purchase of an operating system or use of an unused District operating system license. (b) No software disks/CDs or software documentation will be given with the computer. (c) It is recommended that non-ISD 709 Organizations and individuals who desire to purchase software for a school donate the money to the school, and the school should purchase the software through the software purchasing process. (d) Donated computers must meet District Minimum Equipment Standards (manufacturer, processor, speed, RAM, etc.)

12. Shareware/Freeware

Shareware software is copyrighted software that is distributed freely through bulletin boards, online services, disk and CD. Freeware is software a programmer or company has authorized individual to use free. Freeware can have restrictions in the licensing agreement. It is the policy of ISD 709 to pay shareware authors the fee they specify for use of their products. Registration of shareware/freeware products will be handled the same as commercial software products. The user, school or department will pay costs related for Shareware fees.

13. Software Retirement

The District Software Manager will develop a system that will track software from purchase to retirement. When software has been determined not to meet educational or administrative needs, the software will be deleted from all computers, all manuals, and disks/CDs will be destroyed. As District hardware is retired, it will be audited for software to be retired or released as appropriate.

14. Random Quarterly Audits

The District Software Manager or designated representative will conduct a random quarterly audit of selected Duluth Public Schools computers, including portables, to aid in determining that Duluth Public School - ISD 709 complies with all software licenses. This audit will be conducted when systems are in for servicing and/or repair. The District will make an effort to audit. It is desired that every computer owned by the Duluth Public Schools should have had an audit every 18 months. Audits will be conducted using SIIA Freeware auditing software. On-site surprise audits may be conducted as well. In addition, during the quarterly audit, ISD 709 will search for computer viruses and eliminate any that are found. If software is found not in accordance with this policy, the user will be given two options:

1. The user has 3 workdays to comply with the software registration process in this policy.
2. The Technology Division Help Desk staff or the authorized school Technology Coordinator will delete the software from the computer and any master disks/CDs and manuals removed from school/district property.

15. Computer Desktop Security

Because schools and District offices are open to the public, and without a desktop security program installed on District computers, there is no realistic way to manage software installation. For this reason, all District computers will have a desktop security program installed. The Technology Division is responsible for budgeting and purchasing for a desktop security program.

16. Penalties and Reprimands

According to the US Copyright Act, (as of the date of adoption of this regulation) illegal reproduction of software is subject to civil damages of as much as US \$100,000 per title infringed, and criminal penalties, including fines of as much as US \$250,000 per title infringed and imprisonment of up to five years. A Duluth Public

School - ISD 709 user who makes, distributes, or uses unauthorized copies of software will be disciplined as appropriate under the Internet Use Regulation - 3187R and/or School Discipline Policy 5085. Such discipline may include termination of employment. ISD 709 does not condone the illegal duplication of software. These regulations are subject to the requirements of the US Copyright Act and all other applicable laws and regulations as they may be enacted and amended and all users shall abide by all applicable laws as they may then apply.

B. Technology Hardware Management

1. Non ISD 709 Hardware

Because of the technical issues involved in connecting non ISD 709 owned computers to the District network, the District will not normally allow non ISD 709 owned computers on the network. The exception is when there is a formal agreement between a non ISD 709 organization and the Technology Division. This agreement will clearly delineate responsibilities for computer servicing, virus protection, desktop security, and network protocols to be used. Because this can impact network resources, the Director of Technology will notify the Superintendent of Schools and the School Board.

2. New Equipment

A record of the OEM software used by the District will be recorded.

3. Hardware Retirement

It is recognized the technology hardware has a "normal" useful life. In an effort to reduce maintenance costs and maintain a quality environment for students, the life cycle for computers and related technology hardware is based on five years. The Technology Division will budget for repairs (not replacement cost) based on a 5-year life cycle. In cases where it is not economically feasible to repair equipment less than 5 years old, the equipment will not be repaired. The Technology Division will budget for labor costs when repairing equipment between 5 and 6 years of age. The site will be responsible for all part costs. Equipment older than six years can be repaired (if economically feasible), but costs for parts and labor will be paid by the department/site.

All hardware with software, including operating systems that are scheduled for removal from service, will have the hard disk drive disabled by Technology Division personnel. The District cannot sell through bid or give away any computer hardware with application or operating system software installed on it, and the Technology Division shall reformat the hard drives before sale. The Technology Division Hardware Repair Branch will audit retiring systems. The audit information will be given to the Software Manager and the records will be updated. No software disks/CDs or manuals can be sold or given away. All Master Disks/CDs, backup, disks and manuals will be treated as retired software or re-installed on another District asset.

Reference:

1. 17 USC ' 501-506 - Difference between civil and criminal violations
2. 17 USC ' 117 - All parties for making and receiving illegal software
3. 18 USC ' 2319 - Criminal Sanctions
4. Software Publishers Associations- Software Manager Manual
5. Duluth School District Policy 3187
6. Duluth School District Regulation 3187
7. Duluth School District Policy 3090
8. Duluth School District Policy 5085

Approved: 02-23-1999 ISD709

Revised: 06-19-2001

3189R - Technology Software Copyright and Hardware Management

Computer Software Evaluation/Request

Purpose: This process is to insure that computer software for ISD709 students meets the highest possible curriculum standards and the minimal technical operational standards. With limited dollars available to support student learning, software purchases must be aligned with district learner outcomes, state and national standards .

Instructions: Software evaluator completes Section 1 and forwards it to the curriculum department.

Section 1:

Software evaluator's name(s)_____

Building(s): _____

Grade/Subject area _____

Software Titles for review: Please list vendor, cost, amount of time spent previewing: _____

1. Identify content area and learner outcomes/standards(s) this software will support: _____

2. How will this software support your implementation of the learner outcome(s)/standard(s): _____

3. Attach copies of relevant software reviews.

4. Would you recommend this software for District-wide adoption for grade/subject covered?
Yes No (circle one) If no, why not?

5. Funding source: (circle one) Site District Grant

Section 2: (Curriculum Department)

Curriculum Department review: This software can be used as a resource to support implementation of content area learner outcome(s)/standard(s) as identified.

Circle one: yes no

_____ Signature

Date _____

If no, rationale: _____

Section 3:

1. Agreed Testing/Evaluation Schedule:

2. Technical Testing Date: _____ Teacher/User
Testing Date: _____

3. Licensing Review:

4. Comments: _____

Technical review:

Comments:

Teacher or User Evaluation: (after sections 1 and 2 are completed)

Comments: _____

- 1 A user for the purpose of this regulation is defined as the employee primarily assigned to a computer or computers under their control. However, no other employee, student, parent or other person shall violate copyright laws, regulations or policies.
- 2 There are cases where it is productive to store software packages on site to rapidly resolve software maintenance issues. In this case, the Director of Technology may approve this exception.
- 3 Software that requires the user to have the media to run the application can be stored at the school.
- 4 In cases that backup copies of the software is not practical, it is not required. The Software Manager will have the authority to make this determination.
- 5 When a disk or CD is needed to run the software program, the user will be given a copy of the media.
- 6 Site may request to maintain the software at their site. Since legal responsibility for copyright issues would be at the site, the principal must request this in writing from the Technology Director.
- 7 There are cases where the OEM will allow the District to accept software with a donated computer. Unless the District can validate this is the case, all software, including the operating system will be removed.

3189 SOFTWARE COPYRIGHT AND MANAGEMENT

It is ISD 709 policy to respect all computer software copyrights. ISD 709 will adhere to the terms of all software licenses to which ISD 709 is a party. The Director of Technology is ISD 709's District Technology Hardware/Software Manager and is charged with the responsibility for enforcing this policy and regulation. All users of District technology will comply with 3189R and with all applicable laws and regulations.

Adopted: 02-23-1999 ISD 709

Revised: 07-17-2001

07-16-2002 ISD 709

3190 COPYRIGHT POLICY STATEMENT

It is the intent of the School District to adhere to the provisions of state and federal copyright laws. The following procedures represent a sincere effort to comply with the law:

1. Only legal copies of copyrighted materials may be made or used on school equipment.
2. Any illegal copying of any School District-owned copyrighted materials is prohibited.
3. The Superintendent is responsible for distributing to all school employees a written copy of this policy. The principal of each building is responsible for establishing practices which support this policy at the building level.
4. Employees who violate copyright laws do so at their own risk.

Legal copies are those that follow copyright laws pertaining to specific materials. Guidelines for legal copying are contained in Regulation 3190R. Note: A user may be able to obtain legal copies by requesting permission from the holder of the copyright.

Adopted: 01-16-1990 ISD 709

Revised: 06-20-1995 ISD 709

3190R COPYRIGHT REGULATIONS

Guidelines for Off-Air Recording of Television Programs

The following guidelines apply only to off-air recordings by nonprofit, educational institutions. The premium channels and pay-per-view programs fall outside the scope of the guidelines and cannot be recorded. Off-air recordings will be made only at the request of the individual teacher and will not be recorded regularly in anticipation of requests.

A broadcast program may be recorded off-air simultaneously with broadcast transmission and retained by a nonprofit educational institution for a period not to exceed forty-five (45) calendar days after date of recording.

Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated only once when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction. Teaching use is limited to the first ten (10) consecutive school days in the forty-five (45) calendar day retention period. After the first ten (10) school days, off-air recordings may be used up to the end of the forty-five (45) calendar day period only for teacher evaluation purposes.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. However, each additional copy shall be subject to all provisions governing the original recording. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

It is legal for teachers to tape at home and bring the tapes into school as long as all of the institutional off-air taping guidelines are followed. However, the content of the tape must support instruction of the formally adopted curriculum of the School District. Tapes may not be used for entertainment or "Friday afternoon filler," since Section 110 of the Copyright Law allows special performance exemption for copyrighted materials in the classroom for the purpose of face-to-face instruction only.

Teachers need to be aware that labels on videotapes warning that they are "For Home Use Only" do not accurately represent the law and do not prohibit the use of prerecorded tapes in the classroom. This use would be the same as educational off-air taping guidelines. The Copyright Act specifically authorizes libraries or archives to copy news programs off the air. The same guidelines apply to satellite programs that are simultaneous retransmissions.

Guidelines for Computer Software

The School District expects that all software users will observe and comply with the laws pertaining to copyrights and will make every effort to prevent illegal use of copyrighted materials. It is not an infringement to make a copy of a computer program provided that the copy is created as an essential back-up for archival purposes only and that all copies are

destroyed in the event that the original computer program should cease to be legal. It is an infringement to load a single copy of a program onto multiple machines or networks unless a specific license for such use has been obtained from the copyright holder. At this time the concept of "fair use" is one legally licensed copy per machine. The penalties of non-compliance for employees are severe and will include disciplinary action up to and including termination.

Guidelines for Print

The purpose of the following guidelines is to state the minimum standards of educational fair use under Section 107 of the Copyright Law.

Guidelines for Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

1. A chapter from a book.
2. An article from a periodical or newspaper.
3. short story, short essay, or short poem, whether or not from a collective work.
4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

Each teacher may retain and continue to use the single copy in the following semesters or years.

Guidelines for Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

1. The copying meets the tests of brevity and spontaneity as defined below
2. Meets the cumulative effect test as defined below, and
3. Each copy includes a notice of copyright.

Definitions of Terms

1. Brevity
 - a. Poetry: A complete poem if less than two hundred and fifty (250) words and if printed on not more than two (2) pages, or an excerpt of a longer poem that is not more than two hundred and fifty (250) words or to the end of a line.
 - b. Prose: Either a complete article, story, or essay of less than two hundred and

fifty (250) words, or an excerpt from any prose work of not more than two thousand and five hundred (2,500) words of ten percent (10%) of the work, or to the end of a paragraph.

c. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

d. Special Works: Certain works in poetry or prose which often combine language with illustrations and fall short of two thousand and five hundred (2,500) words may not be reproduced in their entirety. An excerpt of not more than two of the published pages and containing not more than ten percent (10%) of the words in the entire text may be reproduced.

2. Spontaneity:

The copying is at the instance and inspiration of the teacher. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness and so close in time that it is unreasonable to expect a timely reply to a request for permission.

3. Cumulative Effects:

The copying of the material is for only one course in the school in which the copies are made. Not more than one short poem, article, story, essay, or two excerpts may be copied from one author, nor more than three from the same collective work or periodical volume during one class term. There shall not be more than nine instances of such multiple copying for one course during one class term. These limitations do not apply to current news periodicals or newspapers.

Copying shall not be used to create, or replace, or substitute for anthologies, compilations, or collective works. There shall be no copying of or from works intended to be consumable. These include workbooks, exercises, standardized tests, test booklets, and answer sheets. Copying shall not substitute for the purchase of books, reprints, or periodicals.

To avoid liability for copyright infringement on the part of the library or an employee as a result of unsupervised duplicating, libraries must display notices to the effect that making a copy may be subject to the copyright law.

Guidelines for Educational Uses of Music

Emergency copying to replace purchased copies which are not available for imminent performance is permissible, provided purchased replacement copies shall be substituted in due course. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement, or area, and in no case more than ten percent (10%) of the whole work. The number of copies shall not exceed one per student.

Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or lyrics either added or altered.

Most performances of non-dramatic works by school orchestras, bands, or choral groups are exempt from licensing requirements. A single copy of records of performances by students may be made for evaluation or rehearsal purposes and may be retained by the education institution or individual teacher. All performances of both dramatic and non-dramatic musical works in class are exempt from copyright requirements.

Duplication of tapes cannot be made unless reproduction rights were given at the time of purchase. Reproduction of musical work cannot be converted to another format, e.g., record to tape. Copying of records onto cassettes for more compact shelving and to prevent loss appears to be a copyright infringement.

Approved: 12-12-1989 ISD 709

Revised: 06-20-1995

07-18-1995

11-18-1997 ISD 709

1 Legal Costs could be as high as \$100,000 per illegal copy installed plus any court and attorney fees.

3195 DISPOSAL OF SCHOOL DISTRICT PROPERTY

When it is necessary for the School District to divest itself of buildings and real property (hereinafter referred to as "property") which are no longer of significant importance to the School District, the following process and sequence shall be followed:

1. The City of Duluth and County of St. Louis government units shall be informed of the availability of the subject property and given the opportunity to negotiate a purchase, trade, or free conveyance of this property.
2. A market appraisal of the property shall be obtained.
3. Requests for proposals shall be sought, indicating the intended use and the amount offered to purchase the property.
4. A financial analysis of the proposals shall be conducted to assess the viability of such disposal.
5. All property sold shall contain a deed restriction prohibiting the property's future use as a school or other E-12 educational facility.

References: MN Statute 123B.51

Adopted: 05-14-1974 ISD 709

Revised: 03-10-1981

06-20-1995

07-16-2002 ISD 709

3200 UNAUTHORIZED INSTALLATION / CONSTRUCTION SCHOOL DISTRICT PROPERTY

The installation of any signs or other identifying markers, facilities, site equipment, or permanent surfacing or construction of or moving onto site of any buildings, either temporary or permanent, on any School District property, without official approval of the School Board is prohibited. Any such unauthorized installation/construction/ surfacing shall be removed at the expense of the individual(s) or organization(s) responsible for said installation/construction/surfacing.

Adopted: 02-12-1980 ISD 709

Revised: 06-20-95 ISD 709

3205 REPAIR OF VEHICLES, EQUIPMENT, AND TOOLS

Personally-owned appliances, equipment, tools, or vehicles will be accepted for repair from the general public provided such repair work fits within the design of, and will be beneficial to, the instructional program of the students. Acceptance of items to be repaired shall be accomplished in a nondiscriminatory manner.

1. Customers shall be charged on the basis of materials used, any parts used, and the incidental costs of providing the repair or maintenance service.
2. The teacher in charge of the particular program or shop shall be responsible for setting prices or charges, based on cost of materials and any other monetary factors.
3. Payment of said charges shall be made in the manner prescribed by the person responsible for the financial control and collection of monies for the building within which the program is housed.

Adopted: 06-09-81 ISD 709

Revised: 07-14-1981

06-20-95 ISD 709

3210 USE OF DISTRICT EQUIPMENT, MATERIALS, TOOLS AND FACILITIES

Student Use : School District owned equipment, materials, tools and facilities may be utilized either on or off School District property by students when such use is in connection with their studies or co- or extra-curricular activities. Any time any item owned by the District is removed from District owned or leased premises, a "Student Equipment Usage Form" is to be completed. The form must be signed by the teacher, parent and student prior to the equipment being removed from District owned premises. The form is in four parts and shall be filed as follows: one copy is to be retained by the teacher, one copy is to be forwarded to the principal, one copy is to be forwarded to the fixed assets manager and one copy is to be given to the student. Proper controls shall be established by the teacher to assure students' responsibility for, and prompt return of, all such equipment, materials and tools. School District owned equipment, materials, tools or facilities shall not be used by students for personal or private benefit.

Employee Use : The District recognizes the benefit of employees utilizing certain pieces of District owned equipment away from District owned or leased premises. Such items may include lap top computers and printers. Therefore, the District has established a procedure to bring accountability to said usage. Any time an employee removes District owned equipment from District owned or leased property, an "Employee Equipment Usage Form" is to be completed. The form is to be signed by the employee and the employee's direct supervisor. The form is in four parts and shall be filed as follows: one copy is to be forwarded to the internal auditor, one copy is to be given to the employee, one copy is to be retained by the employee's direct supervisor and one copy is to be forwarded to the fixed assets manager. Once the item has been returned, the supervisor shall complete the supervisor's copy of the form and remit it to the internal auditor. District owned vehicles including cars, vans, busses, and trucks may only be used for authorized School District business as provided in state statute # 471.666. District owned vehicles may not be used for in-district personal use such as conducting personal banking business, coffee breaks, lunch and shopping. The Director of Business and Finance has the authority to grant letters of exception to this policy for those situations addressed by state statute. The penalties for non-compliance with the above are severe and will include disciplinary action up to and including immediate termination.

Adopted: 07-14-1981 ISD 709

Revised: 06-20-1995

05-21-1996

05-16-2000 ISD 709

3215 REVIEW OF FINANCES

The School Board will contract with private audit firms to conduct a financial audit of School District funds on an annual basis. Subsequent School Boards may request audits by the State Auditor.

Legal Reference: Minn. Stat. § 123B.77 Subd. 3.

Adopted: 05-18-1993 ISD 709

Revised: 06-20-1995

04-21-2015 ISD 709

3220 FIXED ASSET INVENTORIES

The School Board recognizes the need for accountability relating to the School District's capital expenditures. To ensure this accountability, the School Board directs the Superintendent or his/her designee to implement regulations that carry out the intent of this policy and comply with all applicable laws and other School Board policies. It also requires that expenditures will be limited to the amount budgeted under the classification of accounts provided for each fund and to the total amount of the budget, except as outlined under budget control and requires that all purchase classifications shall be determined through the use of the "Manual for the Uniform Financial Reporting System for Minnesota School District." For the purpose of determining the fixed asset capitalization limits, the Superintendent shall create a fixed asset committee to review the regulations periodically to validate their effectiveness and appropriateness.

Reference: MSA 121.908

Adopted: 06-09-1970 ISD 709

Revised: 07-19-1994

06-20-1995 ISD 709

3220R FIXED ASSET INVENTORIES

The inventory system shall be under the supervision of the Director of Business Services. A copy of all inventories shall be available for School Board review in the office of the Director of Business Services. The Director of Business Services will:

1. Establish procedures for recording, checking, and disposing of property and require cooperation of custodians of equipment relative to these procedures in the interest of perpetuating an acceptable property record system.
2. Designate custodians for property at given locations to be accountable for property at these locations.
3. Require accountability of property by the designated custodian.
4. Conduct periodic inventories of property assigned to custodians and compare these inventories with the property record. All discrepancies will be traced and reconciled.

Fixed Assets

An inventory of fixed assets shall be maintained of which a physical inventory shall be taken bi-annually. The following are the capitalization limits for the following categories of fixed assets:

BUILDINGS AND LAND - \$1.00

Land
Land improvements
Buildings
Building improvements
Miscellaneous buildings and land

ALL FIXED ASSETS PURCHASED WITH FEDERAL FUNDS - \$1

PURCHASED AND LEASED CAPITAL EQUIPMENT AND VEHICLES -\$5000

It is the responsibility of the Director of Business Services to maintain the FIXED ASSETS PROCEDURES MANUAL. It is the responsibility of all District employees to comply with the FIXED ASSETS PROCEDURES MANUAL.

Approved: 06-09-1970 ISD 709

Revised: 07-19-1994

06-20-1995

01-16-1996

12-19-2000

02-20-2001

03-18-2003 ISD 709

~~2055R QUALITY OF WORK LIFE (RULES, PROCEDURES AND GUIDELINES)~~

~~For purposes of effectively initiating and maintaining participation of certified staff in the labor management process, a district wide steering committee will foster the growth and development of participative management practices across the district and, to the extent possible, identify and address areas of concern to employees on a district wide basis. Committee meetings at every level are open to all certified staff.~~

~~Quality Steering Committee (QSC)~~

~~The QSC will include representation from school board, central administration, principals and teachers. The QSC will provide direction, guidance, and necessary training to the Quality Leadership Teams (QLT). Members will engage in quality initiatives, on a district wide basis. Minutes will be recorded. The QSC will design and implement a process of communication, relative to the QSC, within the district.~~

~~Quality Leadership Teams (QLT)~~

~~The QLT will represent specific stakeholder groups. These teams will meet regularly as working groups and as a communication conduit between the QSC and School Implementation Teams. The QLT will make recommendations to the QSC. Minutes will be recorded. Each team should design and implement a process of communication, relative to the QLT, for the district members of the specific stakeholder groups.~~

~~School Leadership Teams~~

~~Each school will have a School Leadership Team. This team will meet regularly as a working group and communication conduit between the QLT and their school. It will consist of the school principal and/or assistant principal(s), teachers' union steward(s), and certified staff, as selected by the certified staff of the building. Minutes will be recorded. Each team should design and implement a process of communication, relative to the School Leadership Team, within the building. The team may work on a) the school improvement plan b) Quality Steering Committee recommendations, and c) promoting, facilitating and implementing the three aims of our district. The School Leadership Team may meet as an expanded committee that may include parents or students two to four times per year.~~

~~Adopted: 11-07-1984 ISD-709~~

~~Revised: 06-20-1995~~

~~12-20-2011 ISD-709~~

2055R QUALITY OF WORK LIFE (RULES, PROCEDURES AND GUIDELINES)

For purposes of effectively initiating and maintaining participation of certified staff in the labor management process, a district-wide steering committee will foster the growth and development of participative management practices across the district and, to the extent possible, identify and address areas of concern to employees on a district-wide basis. Committee meetings at every level are open to all certified staff.

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Adopted: 11-07-1984 ISD 709

Revised: 06-20-1995

12-20-2011 ISD 709