

Policy Committee Meeting
Duluth Public Schools, ISD 709
Agenda
Thursday, November 13, 2025
District Services Center
709 Portia Johnson Dr.
Duluth, MN 55811
4:30 PM

1. AGENDA ITEMS	
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Adopted: _____

MSBA/MASA Model Policy 905

Orig. 1996

Revised: _____

Rev. 2015

905 ADVERTISING

[NOTE: School districts should carefully consider whether they wish to allow advertising in school district facilities or publications. Once advertisements are accepted, First Amendment rights may limit the school district's ability to reject specific advertisements or to regulate the content of advertisements.]

I. PURPOSE

The purpose of this policy is to provide guidelines for the advertising or promoting of products or services to students and parents in the schools.

II. GENERAL STATEMENT OF POLICY

The school district's policy is that the name, facilities, staff, students, or any part of the school district shall not be used for advertising or promoting the interests of a commercial or nonprofit agency or organization except as set forth below.

III. ADVERTISING GUIDELINES

- A. School publications, including publications such as programs and calendars, may accept and publish paid advertising provided they receive advance approval from the appropriate administrator. In no instance shall publications accept advertising or advertising images for alcohol, tobacco, drugs, drug paraphernalia, weapons, or obscene, pornographic, or illegal materials. Advertisements may be rejected by the school district if determined to be inconsistent with the educational objectives of the school district or inappropriate for inclusion in the publication. For example, advertisements may be rejected if determined to be false, misleading, or deceptive, or if they relate to an illegal activity or antisocial behavior. The faculty advisor is responsible for screening all such advertising for appropriateness, including compliance with the school district policy prohibiting sexual, racial, and religious harassment.
- B. The school board may approve advertising in school district facilities or on school district property. Any approval will state precisely where such advertising may be placed. The restrictions listed in Section A. above will apply. Advertising will not be allowed outside the specific area approved by the school board. Specific advertising must be approved by the superintendent or designee. In no instance will an advertising device be erected or maintained within 100 feet of a school that is visible to and primarily intended to advertise and inform or to attract or which does attract the attention of operators and occupants of motor vehicles.
- C. Donations which include or carry advertisements must be approved by the school board.
- D. The school district or a school may acknowledge a donation it has received from an organization by displaying a "donated by," "sponsored in part by," or a similar by-line with the organization's name and/or symbol on the item. Examples include activity programs or yearbooks.
- E. Nonprofit entities and organizations may be allowed to use the school district name, students, or facilities for purposes of advertising or promotion if the purpose is determined to be educationally related and prior approval is obtained from the school board. Advertising will be limited to the specific event or purpose approved by the school board.

- F. Contracts for computers or related equipment or services that require advertising to be disseminated to students will not be entered into or permitted unless done pursuant to and in accordance with state law.
- G. The inclusion of advertisements in school district publications, in school district facilities, or on school district property does not constitute approval and/or endorsement of any product, service, organization, or activity. Approved advertisements will not imply or declare such approval or endorsement.

IV. ACCOUNTING

Advertising revenues must be accounted for and reported in compliance with UFARS. A periodic report shall be made to the school board by the superintendent regarding the scope and amount of such revenues.

Legal References: Minn. Stat. § 123B.93 (Advertising on School Buses)
Minn. Stat. § 125B.022 (Contracts for Computers or Related Equipment or Service)
Minn. Stat. § 173.08 (Excluded Road Advertising Devices)

Cross References: MSBA/MASA Model Policy 421 (Gifts to Employees and School Board Members)
MSBA/MASA Model Policy 702 (Accounting)
Policy 810 (Naming Rights & Naming School Facilities)

~~1025—ADVERTISING~~

~~Generally, the School District facilities, staff, and children shall not promote the interest of any commercial, political, or other non-school agency, individual, or organization, except that:~~

~~This does not include a company logo, trademark, or powered by statement designed into software used by the District.~~

~~The schools may cooperate in furthering the work of any non-profit community wide social service agency.~~

~~Films or other educational materials bearing credits or advertising by commercial firms may be used if they can be justified on the basis of their educational value.~~

~~The Superintendent may, at his/her discretion, announce or authorize to be announced any community activity or event of educational merit.~~

~~The Superintendent may approve advertising at athletic facilities. Products and advertising services should be consistent with the best physical, mental, and moral welfare of the children.~~

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

~~Revised: 06-20-1995~~

~~07-17-2001~~

~~01-15-2002 ISD 709~~

~~1030—ADVERTISING IN STUDENT PUBLICATIONS~~

~~Advertising in school publications shall be accepted only from those enterprises whose products or services are consistent with the best physical, mental, and moral welfare of children.~~

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

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

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

First Reading: 10.21.2025
Second Reading: 11.13.2025
Adopted:

Adopted: _____

Revised: _____

MSBA/MASA Model Policy 303
Orig. 1995
Rev. 2022

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Cross References: None

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

First Reading: 10.21.2025
Second Reading: 11.13.2025
Adopted:

Adopted: _____

Revised: _____

MSBA/MASA Model Policy 304
Orig. 1995
Rev. 2022

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Cross References: None

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

First Reading: 10.21.2025
Second Reading: 11.13.2025
Adopted:

Adopted: _____

Revised: _____

MSBA/MASA Model Policy 306

Orig. 1995

Rev. 2002

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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

516 STUDENT MEDICATION AND TELEHEALTH

I. PURPOSE

The purpose of this policy is to set forth the provisions that must be followed when administering non emergency prescription medication to students at school.

II. GENERAL STATEMENT OF POLICY

The school district acknowledges that some students may require prescribed drugs or medication or telehealth during the school day. Any reference to prescription or prescribed medication or drugs in this policy includes over the counter (OTC) medication, with the exception of non prescription pain medication possession for secondary students (see section K, number 7 for requirement). The school district's licensed school nurse, trained health assistant, principal, or teacher will administer prescribed medications, except any form of medical cannabis, in accordance with law and school district procedures.

III. DRUG AND MEDICATION REQUIREMENTS

A. Administration of Drugs and Medicine

1. The administration of medication or drugs at school requires a completed signed request from the student's parent. An oral request must be reduced to writing within two school days, provided that the school district may rely on an oral request until a written request is received.
2. Drugs and medicine subject to Minnesota Statutes, 121A.22 must be administered, to the extent possible, according to school board procedures that must be developed in consultation with:
 - a. with a licensed nurse, in a district that employs a licensed nurse under Minnesota Statutes, section 148.171;
 - b. with a licensed school nurse, in a district that employs a licensed school nurse licensed under Minnesota Rules, part 8710.6100;
 - c. with a public or private health-related organization, in a district that contracts with a public or private health or health-related organization, according to Minnesota Statutes, 121A.21; or
 - d. with the appropriate party, in a district that has an arrangement approved by the Commissioner of the Minnesota Department of Education, according to Minnesota Statutes, 121A.21.

3. Exclusions

The provisions on administration of drugs and medicine above do not apply to drugs or medicine that are:

- a. used by a pupil who is 18 years old or older;
- b. used in connection with services for which a minor may give effective consent;
- c. used in situations in which, in the judgment of the school personnel, including a licensed nurse, who are present or available, the risk to the pupil's life or health is of such a nature that drugs or medicine should be given without delay;

- d. used off the school grounds;
- e. used in connection with athletics or extracurricular activities;
- f. used in connection with activities that occur before or after the regular school day;
- g. provided or administered by a public health agency to prevent or control an illness or a disease outbreak as provided under Minnesota law;
- h. prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
 - a. the school district has received a written authorization each school year from the pupil's parent permitting the student to self-administer the medication;
 - b. the inhaler is properly labeled for that student; and
 - c. the parent has not requested school personnel to administer the medication to the student.

In a school that does not have a school nurse or school nursing services, the student's parent or guardian must submit written verification from the prescribing professional which documents that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed.

If the school district employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party must assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting and enter into the student's school health record a plan to implement safe possession and use of asthma inhalers.

- i. epinephrine ~~auto-injectors~~ **delivery systems**, consistent with Minnesota Statutes, section ~~121A.2205~~, if the parent and prescribing medical professional annually inform the pupil's school in writing that
 - a. the pupil may possess the epinephrine or
 - b. the pupil is unable to possess the epinephrine and requires immediate access to epinephrine **delivery systems** ~~auto-injectors~~ that the parent provides properly labeled to the school for the pupil as needed.

[NOTE: The 2025 Minnesota legislature replaced "auto-injectors" with "delivery systems" in Minnesota Statutes, sections 121A.22, 121A.2205, and 121A.2207.]

- j. For the purposes of Minnesota Statutes, 121A.22, special health treatments and health functions, such as catheterization, tracheostomy suctioning, and gastrostomy feedings, do not constitute administration of drugs or medicine.
- k. Emergency health procedures, including emergency administration of

drugs and medicine are not subject to this policy.

B. Prescription Medication

1. An "Authorization to Administer Medication" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs. Prescription medication as used in this policy does not include any form of medical cannabis as defined in Minnesota Statutes section 152.22, Subd. 6.
2. Prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with law, and must be administered in a manner consistent with the instructions on the label. Over the counter medications must be in a properly labeled container and have the manufacturer's recommendations clearly written.
3. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.
4. Prescription medications are not to be carried by the student, but will be left with the appropriate school district personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Paragraph III.A.3(i) above), and medications administered as noted in a written agreement between the school district and the parent or as specified in an IEP (individualized education program), Section 504 plan, or IHP (individual health plan).
5. The school must be notified immediately by the parent or student 18 years old or older of any change in the student's prescription medication administration. A new medical authorization or container label with new pharmacy instructions shall be required immediately as well.
6. The school nurse, or other designated person, shall be responsible for the filing of the Authorization to Administer Medications form in the health records section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the principal and to other personnel designated to administer the medication.
7. For drugs or medicine used by children with a disability, administration may be as provided in the IEP, Section 504 plan or IHP.
8. If the administration of a drug or medication described in this section requires the school district to store the drug or medication, the parent or legal guardian must inform the school if the drug or medication is a controlled substance. For a drug or medication that is not a controlled substance, the request must include a provision designating the school district as an authorized entity to transport the drug or medication for the purpose of destruction if any unused drug or medication remains in the possession of school personnel. For a drug or medication that is a controlled substance, the request must specify that the parent or legal guardian is required to retrieve the drug or controlled substance when requested by the school.

C. Nonprescription Medication

A secondary student may possess and use nonprescription pain relief in a manner

consistent with the labeling, if the school district has received written authorization from the student's parent or guardian permitting the student to self-administer the medication. Over the counter medications must be in a properly labeled container and have the manufacturer's recommendations clearly written. The parent or guardian must submit written authorization for the student to self-administer the medication each school year. The school district may revoke a student's privilege to possess and use nonprescription pain relievers if the school district determines that the student is abusing the privilege. This provision does not apply to the possession or use of any rug or product containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients. Except as stated in this paragraph, only prescription medications are governed by this policy.

D. Possession and Use of Epinephrine ~~Delivery Systems~~ ~~Auto Injectors~~

1. Definitions

- a. "Administer" means the direct application of an epinephrine delivery system to the body of an individual.
- b. "Epinephrine delivery system" means a medication product approved by the United States Food and Drug Administration that automatically delivers a single, premeasured dose of epinephrine to prevent or treat a life-threatening allergic reaction.
- c. "School" means a public school under Minnesota Statutes, section 120A.22, subdivision 4, or a nonpublic school, excluding a home school, under section 120A.22, subdivision 4, that is subject to the federal Americans with Disabilities Act.

At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed epinephrine ~~delivery systems auto-injectors~~ that enables the student to:

- a1. possess epinephrine ~~delivery systems auto-injectors~~; or
- b2. if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine ~~delivery systems auto-injectors~~ in close proximity to the student at all times during the instructional day.

For the purposes of this policy, "instructional day" is defined as eight hours for each student contact day.

The plan must designate the school staff responsible for implementing the student's health plan, including recognizing anaphylaxis and administering epinephrine ~~delivery systems auto-injectors~~ when required, consistent with state law. This health plan may be included in a student's Section 504 plan.

Districts and schools may obtain and possess epinephrine ~~delivery systems auto-injectors~~ to be maintained and administered by school personnel, including a licensed nurse, to a student or other individual if, in good faith, it is determined that person is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for an epinephrine ~~delivery system auto-injector~~. The administration of an epinephrine ~~delivery system auto-injector~~ in accordance with Minnesota Statutes, section 121A.220~~78~~ is not the practice of medicine.

~~Effective July 1, 2024,~~ Registered nurses may administer epinephrine ~~delivery systems auto-injectors~~ in a school setting according to a condition-specific protocol as authorized under Minnesota Statutes, section 148.235, subdivision 8. Notwithstanding any limitation in Minnesota Statutes, sections 148.171 to 148.285, licensed practical nurses may administer epinephrine ~~delivery systems auto-injectors~~ in a school setting according to a condition-specific protocol that does not reference a specific patient and that specifies the circumstances under which the epinephrine ~~delivery system auto-injector~~ is to be administered, when caring for a patient whose condition falls within the protocol.

A district or school may enter into arrangements with manufacturers of epinephrine ~~delivery systems auto-injectors~~ to obtain epinephrine ~~delivery systems auto-injectors~~ at fair-market, free, or reduced prices. A third party, other than a manufacturer or supplier, may pay for a school's supply of epinephrine ~~delivery systems auto-injectors~~.

The Commissioner of the Minnesota Department of Health must provide a district or school with a standing order for distribution of epinephrine delivery systems under Minnesota Statutes, sections 148.235, subdivision 8 and 151.37, subdivision 2.

[NOTE: The 2025 Minnesota legislature amended Minnesota Statutes, section 121A.2207 to include the changes above.]

E. Sunscreen

A student may possess and apply a topical sunscreen product during the school day while on school property or at a school-sponsored event without a prescription, physician's note, or other documentation from a licensed health care professional. School personnel are not required to provide sunscreen or assist students in applying sunscreen.

F. Procedure regarding unclaimed drugs or medications

1. The school district has adopted the following procedure for the collection and transport of any unclaimed or abandoned prescription drugs or medications remaining in the possession of school personnel in accordance with this policy. Before the transportation of any prescription drug or medication under this policy, the school district shall make a reasonable attempt to return the unused prescription drug or medication to the student's parent or legal guardian. Transportation of unclaimed or unused prescription drugs or medications will occur at least annually, but may occur more frequently at the discretion of the school district.
2. If the unclaimed or abandoned prescription drug is not a controlled substance as defined under Minnesota Statutes section§ 152.01, subdivision 4, or is an over-the-counter medication, the school district will either designate an individual who shall be responsible for transporting the drug or medication to a designated drop-off box or collection site or request that a law enforcement agency transport the drug or medication to a drop-off box or collection site on behalf of the school district.
3. If the unclaimed or abandoned prescription drug is a controlled substance as defined in Minnesota Statutes section§ 152.01, subdivision 4, the school district or school personnel is prohibited from transporting the prescription drug to a drop-off box or collection site for prescription drugs identified under this paragraph. The school district must request that a law enforcement agency transport the prescription drug or medication to a collection bin that complies with Drug Enforcement Agency regulations, or if a site is not available, under the agency's procedure for transporting drugs.

IV. ACCESS TO SPACE FOR MENTAL HEALTH CARE THROUGH TELEHEALTH

- A. Beginning October 1, 2024, to the extent space is available, the school district must provide an enrolled secondary school student with access during regular school hours, and to the extent staff is available, before or after the school day on days when students receive instruction at school, to space at the school site that a student may use to receive mental health care through telehealth from a student's licensed mental health provider. A secondary school must develop a plan with procedures to receive requests for access to the space.
- B. The space must provide a student privacy to receive mental health care.
- C. A student may use a school-issued device to receive mental health care through telehealth if such use is consistent with the district or school policy governing acceptable use of the school-issued device.
- D. A school may require a student requesting access to space under this section to submit to the school a signed and dated consent from the student's parent or guardian, or from the student if the student is age 16 or older, authorizing the student's licensed mental health provider to release information from the student's health record that is requested by the school to confirm the student is currently receiving mental health care from the provider. Such a consent is valid for the school year in which it is submitted.

Legal References: Minn. Stat. § 13.32 (~~Educational Student Health Data~~)
Minn. Stat. § 121A.21 (School Health Services)
Minn. Stat. § 121A.216 (Access to Space for Mental Health Care through Telehealth)
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 121A.2205 (Possession and Use of Epinephrine ~~Delivery systems Auto-Injectors~~; Model Policy)
Minn. Stat. § 121A.2207 (Life-Threatening Allergies in Schools; Stock Supply of Epinephrine ~~Delivery systems Auto-Injectors~~)
Minn. Stat. § 121A.221 (Possession and Use of Asthma Inhalers by Asthmatic Students)
Minn. Stat. § 121A.222 (Possession and Use of Nonprescription Pain Relievers by Secondary Students)
Minn. Stat. § 121A.223 (Possession and Use of Sunscreen)
Minn. Stat. § 148.171 (Definitions; Title)
Minn. Stat. § 151.212 (Label of Prescription Drug Containers)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.22 (~~Medical Cannabis~~; Definitions)
Minn. Stat. § 152.23 (~~Medical Cannabis~~; Limitations)
Minn. Rule 8710.6100 (School Nurse)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)

Cross References: MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

Replacing: Policy 6180 (Medication Administration in School)
Policy 6180R (Procedures of Administration of Medication During the School Day)

First Reading: 09.19.2023

Second Reading: 10.17.2023

Adopted: 10.17.2023

Reviewed: 02.25.2025

Reviewed:

516.5 OVERDOSE MEDICATION

I. PURPOSE

As a means of enhancing the health and safety of its students, staff and visitors, the school district will acquire, administer, and store doses of an opiate antagonist, specifically Naloxone (Narcan)¹, and administration devices or kits for emergency use to assist a student, staff member, or other individual believed or suspected to be experiencing an opioid overdose on school district property during the school day.

II. GENERAL STATEMENT OF POLICY

The school board authorizes school district administration to obtain and possess opioid overdose reversal medication, such as Naloxone to be maintained and administered to a student or other individual by trained school staff if the staff member determines in good faith that the person to whom the medication is administered is experiencing an opioid overdose. Authorization for obtaining, possessing and administering Naloxone or similar permissible medications under this policy are contingent upon: 1) the continued validity of state and federal law that permit a person who is not a healthcare professional to dispense an opiate antagonist to the school district and its employees by law; 2) that the school district and its staff are immune from criminal prosecution and not otherwise liable for civil damages for administering the opiate antagonist to another person who the staff member believes in good faith to be suffering from a drug overdose; and 3) the availability of funding either from outside sources or as approved by the school board to obtain and administer opioid overdose reversal medication.

III. DEFINITIONS

- A. **"Drug-related overdose"** means an acute condition, including mania, hysteria, extreme physical illness, respiratory depression or coma, resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires immediate medical assistance.
- B. **"Naloxone Coordinator"** is a school district staff person or administrator appointed to monitor adherence to protocols outlined in this policy and referenced procedures. The Naloxone Coordinator is responsible for building-level administration and management of Opiate Antagonist medications and supplies. The school district's Naloxone Coordinator is the Assistant Superintendent or designee.
- C. **"Opiate"** means any dangerous substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having such addiction forming or addiction sustaining liability.
- D. **"Opiate Antagonist"** means naloxone hydrochloride ("Naloxone") or any similarly acting drug approved by the federal Food and Drug Administration for the treatment of a drug overdose.
- E. **"Standing Order"** means directions from the medical provider that sets forth how to house and administer Naloxone or other Opiate Antagonist medications to students, staff members or other individuals believed or suspected to be experiencing an opioid overdose. This Standing Order should include the following information:

¹ Naloxone is the medication that reverses an opioid overdose. Narcan® is the brand name for the intranasal applicator (nasal spray) form of naloxone. Naloxone usually refers to an intramuscular (IN+M) naloxone form that comes in a vial and is administered with a syringe, normally dispensed as an "IM kit."

1. Administration type
2. Dosage
3. Date of issuance
4. Signature of the authorized provider

IV. GENERAL STATEMENT OF POLICY AND RESPONSIBILITIES

- A. The school district must maintain a supply of opiate antagonists at each school site to be administered in compliance with Minnesota law. Each school building must have two doses of nasal naloxone available on-site.
- B. A licensed physician, a licensed advanced practice registered nurse authorized to prescribe drugs pursuant to Minnesota Statutes, section 148.235, or a licensed physician assistant may authorize a nurse or other personnel employed by, or under contract with, a public school may be authorized to administer opiate antagonists as defined under Minnesota Statutes, section 604A.04, subdivision 1.
- C. A licensed practical nurse is authorized to possess and administer an opiate antagonist in a school setting notwithstanding Minnesota Statutes, 148.235, subdivisions 8 and 9.
- D. District Collaborative Planning and Implementation Team

To the extent Naloxone is obtained for use consistent with this policy, the school district will establish a district-wide collaborative planning and implementation team ("District Planning Team") who will oversee the general development and operations related to the use of opiate antagonist Naloxone and regularly report to the school board as to its activities.

1. The District Planning Team will include the Naloxone Coordinator and may include the superintendent (or designee), school nurse, public health experts, first responders, student or family representatives, and community partners who will be assigned to the Team by the superintendent or designee or solicited as volunteers by the superintendent.
2. The District Planning Team, through the Naloxone Coordinator, will obtain a protocol or Standing Order from a licensed medical prescriber for the use of Naloxone or other Opiate Antagonist by school district staff at designated school sites and will update or renew the protocol or Standing Order annually or as otherwise required. A copy of the protocol or Standing Order will be maintained in the office of the Naloxone Coordinator.
3. The District Planning Team will develop district-wide guidelines and procedures and determine the form(s) of Naloxone to be used within the school district (nasal, auto injector, manual injector) and the method and manner of arranging for the financing and purchasing, storage and use of Naloxone to be approved by the school board. Once approved by the school board, these guidelines and procedures will be attached and incorporated into this policy. At a minimum, these guidelines and procedures will:

- a. Ensure that when Naloxone is administered, school district employees must activate the community emergency response system (911) to ensure additional medical support due to the limited temporary effect of Naloxone and the continued need of recipients of additional medical care;
 - b. Require school district employees to contact a school district healthcare professional to obtain medical assistance for the recipient of the Naloxone, if possible, pending arrival of emergency personnel;
 - c. Direct school district employees to make immediate attempts to determine if the recipient is a minor and, if so, locate the identity of the parent or guardian of the minor and ensure contact with that parent or guardian is made as soon as possible after administration of the Naloxone for the purpose of informing the parent or guardian of the actions that have been taken; and
 - d. Require school district staff to inform the building administrator or other administrator overseeing an event or activity of the administration of Naloxone, as well as the Naloxone Coordinator, after taking necessary immediate emergency steps.
4. The District Planning Team will determine the type and method of annual training, identify staff members at each school site to be trained and coordinate the implementation of the training with the assistance of the Naloxone Coordinator.

E. Site Planning Teams

1. In consultation with the District Planning Team, the administrator at each school site may establish, in the manner the superintendent or Naloxone Coordinator deems appropriate, a Site Planning Team within the school site.
2. The Site Planning Team will be responsible for the coordination and implementation of this policy, district-wide guidelines and procedures within the school site and will develop and implement any specific guidelines and procedure for the storage and use of Naloxone within the school site in a manner consistent with this policy and district wide procedures and guidelines.

F. School District Staff

School district staff members will be responsible for attending all required training pertaining to the policy, procedures and guidelines for the storage and use of Naloxone and performing any assigned responsibilities pursuant to the guidelines and procedures.

- G. The school district allows a student in grades 9 through 12 to possess and administer an opiate antagonist to another high school student. The protections of Minnesota Statutes, section 604A.04 apply to the possession and administration of opiate antagonists according to Minnesota Statutes, section 121A.224.

[NOTE: The 2025 Minnesota legislature enacted paragraph G. This provision is optional: school districts are not required to adopt paragraph G.]

V. NALOXONE STORAGE

- A. The Site Planning Team will select Naloxone storage locations within the school site.

- B. The selected storage locations of Naloxone will be classified as non-public "security information" as the school board has determined that the disclosure of this data to the general public would be likely to substantially jeopardize the security of the medication that could be subject to theft, tampering, and improper use. Therefore, the identity of the storage locations will be shared only with those school district staff members whom the District Planning Team or Site Team have determined need access to this information to aid public health and safety as determined in the procedures and guidelines.
- C. Stock Naloxone will be clearly labeled, monitored for expiration dates, and stored in a secured location that is accessible by trained staff as set forth in paragraph V.B.

VI. Privacy Protections

The school district will maintain the privacy of students and staff related to the administration of Naloxone as required by law.

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 13.37 (General Nonpublic Data)
Minn. Stat. § 121A.21 (School Health Services)
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 121A.224 (Opiate Antagonists)
Minn. Stat. § 144.344 (Emergency Treatment)
Minn. Stat. § 148.235 (Prescribing Drugs and Therapeutic Devices)
Minn. Stat. § 151.37 (Legend Drugs; Who May Prescribe, Possess)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.02 (Schedules of Controlled Substances)
Minn. Stat. § 604A.01 (Good Samaritan Law)
Minn. Stat. § 604A.015 (School Bus Driver Immunity from Liability)
Minn. Stat. § 604A.04 (Good Samaritan Overdose Prevention)
Minn. Stat. § 604A.05 (Good Samaritan Overdose Medical Assistance)
Minn. R. Pt. 6800.4220 (Schedule II Controlled Substances)
20 U.S.C. § 1232g (Family Educational and Privacy Rights)

Cross Reference: MSBA/MASA Model Policy 516 (Student Medication)
Minnesota Department of Health Toolkit on the Administration of Naloxone

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Reviewed: 09.19.23
Reviewed:

534 SCHOOL MEALS POLICY

I. PURPOSE

The purpose of this policy is to ensure that students receive healthy and nutritious meals through the school district's nutrition program and that school district employees, families, and students have a shared understanding of expectations regarding meal charges. The policy of the school district is to provide meals to students in a respectful manner and to maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing the student. The policy seeks to allow students to receive the nutrition they need to stay focused during the school day and minimize identification of students with insufficient funds to pay for a la carte items or second meals as well as to maintain the financial integrity of the school nutrition program.

II. PAYMENT OF MEALS

A. Payment for second meals or ala carte items is expected at the time the meal is served. Parents have three options to put money in their child's lunch account:

1. Online payments
2. Check sent to the child's school or Administrative offices
3. Cash sent to the child's school or Administrative offices

If the school district participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage below the federal percentage determined for all meals to be reimbursed at the free rate via the Community Eligibility Provision must participate in the free school meals program.

B. Free School Meals Program

1. The Universal free school meals program is created within the Minnesota Department of Education and provides a free breakfast and lunch to all students enrolled in Duluth Public Schools.
2. Each school that participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage below the federal percentage determined for all meals to be reimbursed at the free rate via the Community Eligibility Provision must participate in the free school meals program under that provision.
- ~~23.~~ ~~Each school~~ A school that participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage at or above the federal percentage determined for all meals to be reimbursed at the free rate must participate in the federal Community Eligibility Provision in order to participate in the free school meals program.
34. Families may apply for free/reduced-price meal benefits anytime during the school year. Meal applications are distributed available on the school district website and online to all families in the district prior to the student's first day of classes. In addition, applications are available on the school district website or available to be mailed via USPS if requested.
- ~~C.5.~~ Each school that participates in the Universal free school meals program must:
 - a. ~~(1)~~ participate in the United States Department of Agriculture School Breakfast Program and the United States Department of Agriculture National School Lunch Program; and

- b. ~~(2)~~ provide to all students at no cost up to two federally reimbursable meals per school day, with a maximum of one free breakfast and one free lunch.

- c. ~~A student who has been determined eligible for free and reduced-price meals must always be served a reimbursable meal even if the student has an outstanding debt.~~

[NOTE: While subparagraph 3. above is inherent given subparagraph 2., MSBA recommends that school boards consider including subparagraph 3., which is stated in Minnesota Statutes, section 124D.111.]

- ~~DC.~~ Once a meal has been placed on a student's tray or otherwise served to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, whether or not the student has an outstanding meals balance.

- ~~ED.~~ When a student has a negative account balance, the student will not be allowed to charge a second meal or ala carte items.

- ~~FE.~~ If a parent or guardian chooses to send in one payment that is to be divided between sibling accounts, the parent or guardian must specify how the funds are to be distributed to the students' accounts. ~~Funds may not be transferred between sibling accounts unless written permission is received from the parent or guardian.~~

- F. A student may purchase a second breakfast at the nonprogram price if the student has already selected a reimbursable breakfast.

- G. A student may purchase a second lunch at the nonprogram price if the student has already selected a reimbursable lunch.

[NOTE: New paragraphs F and G apply if a school district receives school breakfast aid under Minnesota Statutes, section 124D.111 or school lunch aid under Minnesota Statutes, section 124D.111 respectively.]

III. LOW OR NEGATIVE ACCOUNT BALANCES – NOTIFICATION

- A. The school district will make reasonable efforts to notify families when meal account balances are low or fall below zero.
- B. Families will be notified of an outstanding negative balance once the negative balance reaches \$10.00. Families will be notified by monthly billings sent home.
- C. Reminders for payment of outstanding student meal balances will not demean or stigmatize any student participating in the school lunch program.

IV. UNPAID MEAL CHARGES

- A. ~~The school district will make reasonable efforts to communicate with families to resolve the matter of unpaid charges. Where appropriate, families may be encouraged to apply for free or reduced-price meals for their children.~~
- B. The school district will make reasonable efforts to collect unpaid meal charges classified as delinquent debt. Unpaid meal charges are designated as delinquent debt when payment is overdue, the debt is considered collectable, and efforts are being made to collect it.

- C. Negative balances of more than \$50.00, not paid prior to the end of August, before new school year starts, will be turned over to accounts payable in the business services department for collection. In accordance with other outstanding debts owed to the school district, after attempts to collect are unsuccessful, the debts are turned over to the credit agency for collection.
- D. The school district may not enlist the assistance of non-school district employees, such as volunteers, to engage in debt collection efforts.
- E. The school district will not impose any other restriction prohibited under Minnesota Statutes, section 123B.37 due to unpaid student meal balances. The school district will not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.

[NOTE: School districts that use a collection agency to collect unpaid school meals debt must address this in this policy. A new paragraph F. can be added to address the use of a collection agency.]

V. COMMUNICATION OF POLICY

- A. This policy and any pertinent supporting information shall be provided in writing (i.e., mail, email, back-to-school packet, student handbook, etc.) to:
 - 1. all households at or before the start of each school year;
 - 2. students and families who transfer into the school district, at the time of enrollment; and
 - 3. all school district personnel who are responsible for enforcing this policy.
- B. The school district will post this policy on the school district's website, or the website of the organization where the meal is served, in addition to providing the required written notification described above.

Legal References: Minn. Stat. § 123B.37 (Prohibited Fees)
 Minn. Stat. § 124D.111 (School Meals Policies; Lunch Aid; Food Service Accounting)
 42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)
 7 C.F.R. § 210 *et seq.* (School Lunch Program Regulations)
 7 C.F.R. § 220.8 (School Breakfast Program Regulations)
 USDA Policy Memorandum SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies (2016)
 USDA Policy Memorandum SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments (2016)
 USDA Policy Memorandum SP 23-2017, Unpaid Meal Charges: Guidance and Q&A

Cross References: None

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Reviewed:

810 ~~Naming Rights & Naming School Facilities~~ NAMING RIGHTS AND NAMING SCHOOL FACILITIES

I. ~~Purpose~~ PURPOSE

The purpose of this policy is to establish the criteria and procedures for granting naming rights in relation to school district facilities, including buildings and grounds.

II. ~~General Statement of Policy~~ GENERAL STATEMENT OF POLICY

Duluth Public Schools recognizes the importance and significance of naming school district facilities and educational programs. The district will follow policy procedures when reviewing and acting upon all District or community-initiated requests. Facilities are district-owned buildings and properties and include spaces within buildings as well as outdoor fields, streets and areas. Educational programs are district approved learning opportunities that support a specific need or learning goal identified by the district.

Duluth Public Schools recognizes the following circumstances in which the school district may address naming:

- The purchase or construction of a new building,
- The re-naming of an existing facility,
- Naming rights in consideration, and
- Naming rights in recognition.

In each circumstance, the school district passes a formal resolution or enters into a written agreement about the nature of the new name or naming right. The provisions of this policy govern any agreement.

III. ~~Definitions~~ DEFINITIONS

- A. "Facilities" are district-owned buildings which the main purpose is student instruction.
- B. "Spaces" are areas within a facility or other property owned by the district.
- C. "Naming rights in consideration" is recognition for financial contributions, sponsorship or other commercial transactions.
- D. "Naming rights in recognition" is recognition of a significant contribution to the school district that the district wishes to honor.

IV. ~~Naming New Facilities~~ NAMING NEW FACILITIES

When a new facility is acquired or constructed or a facility is named for the first time, the superintendent will appoint a committee consisting of community members, students and employees to recommend appropriate names for the new facility.

Following the procedures outlined in this policy, the committee will provide two or three possible names to the superintendent who will make a recommendation to the school board for consideration.

The Superintendent, or designee, will provide the following guidance to the naming committee to guide the process of name recommendations:

- A. In naming all facilities, due regard must be taken to maintain an appropriate balance between commercial considerations, current or historical context, and the role that names of facilities contribute to the school district's presence in the community. Also recognized is the role played by the name of a facility in assisting employees, students, and visitors to orient themselves.

- B. Names must not be in conflict with the district’s mission and vision. The long-term effects of the name must be considered. In the case of a name change, the facility staff and families must be notified of the naming process.
- C. The naming committee shall keep notes and records of all discussions and methods used to determine name recommendations and recommendations will be sent to the Superintendent for consideration.

V. ~~Name Changes/Re-Naming~~ NAME CHANGES/RE-NAMING

Once a facility is named, that name will remain with the facility unless changed or removed by the school board. Names will be changed using the same process outlined above. Names may be changed when the specific program or theme for which the facility was named changes, when the current name no longer supports the objective of the facility, or due to additions or renovations to an existing facility. Names may be removed at the discretion of the school board.

VI. ~~Granting Naming Rights~~ GRANTING NAMING RIGHTS

The District may agree to recognize contributions by granting naming rights to facilities and spaces owned by the district. Granting naming rights may be exclusive to a facility or space, or may be conjunction with an existing name already in use.

- A. Spaces for which naming rights may be awarded:
 - a. Auditoriums/Theaters
 - b. Gymnasiums
 - c. Libraries
 - d. Gardens/Walks
 - e. Athletic Fields/Facilities
 - f. Concessions/Locker Rooms
 - g. Other areas as approved by the school board
- B. The Business Services office will engage a naming rights process outlined in this policy whenever a recommendation for any naming rights is submitted to the district, or if the district solicits requests for available naming rights opportunities in the district.
- C. Each granting of naming rights is bound by a written agreement defined by this policy and all other applicable board policies.

VI. ~~Naming Rights in Consideration~~ NAMING RIGHTS IN CONSIDERATION

The school district may grant naming rights in consideration to recognize contributions made to the district. The contribution may be a financial contribution, sponsorship or the provision of equipment, materials, land or services. These contributions are at the discretion of the school district.

VII. ~~Naming Rights in Recognition~~ NAMING RIGHTS IN RECOGNITION

- A. The school district may grant naming rights in recognition to recognize contributions to the district that were not contributed to the district for the purpose of receiving naming rights. Naming rights for these contributions are at the discretion of the school district.
- B. One of the following criteria must be met for granting naming rights in recognition:

1. Recognition of outstanding service to the school district while serving in an academic or administrative capacity or outstanding service to the Duluth community; or
2. Recognition of the achievements of distinguished alumni; or
3. Recognition of a generous financial or other contribution from a donor (be it by way of donation, bequest, sponsorship, etc.), such being voluntary and not rendered in consideration of granting of naming rights.

VIII. ~~Process for Granting Naming Rights~~ PROCESS FOR GRANTING NAMING RIGHTS

The Business Services office will engage in the following processes to grant naming rights.

- A. Upon request or solicitation of naming rights to a space or facility, the Business Services department will engage by notification on the District web site and through other media messaging that naming rights requests are open for submission.
- B. Naming rights that include a financial contribution, sponsorship, or a provision of services or materials will be reviewed for reasonable valuation by Business Services. Naming rights in recognition being considered will be confirmed to meet standards set out in this policy.
- C. Business Services will create a "Naming Rights Agreement" and submit to the Superintendent to make a recommendation to the school board. The Naming Rights Agreement should include, but are not limited to, the following:
 - a. Duration of Naming Rights. The duration of naming rights is decided or negotiated on a case-by-case basis.
 - b. Physical display of the naming rights is decided or negotiated on a case-by-case basis. In the case of buildings, the physical display of the naming rights will take into account the identification of the school district and opportunities offered by that building for the district. All displays must conform with zoning and other municipal regulations.
 - c. When "naming rights in recognition" is awarded, plaques may, with the approval of the Superintendent and manager of facilities, be installed in buildings.
 - d. "Naming rights in consideration" may be transferred by mutual agreement between all parties. "Naming rights in recognition" may not be transferred.
 - e. Naming rights may be renewed by mutual agreement between all parties.
- D. Limit of Naming Rights
 - a. On the Part of the District
The school district's right to use the name and other brand elements of the named party is permitted by express agreement with the named party.

- b. On the Part of the Named Party
The named party, after whom a facility or space is named, has no decision making rights as to the purpose of the facility or space unless specifically provided for in the written agreement between the parties. The school district will not agree to any condition in an agreement that could unnecessarily limit progress toward the district's mission and purpose, statutory obligations, or the local authority of the school board. In turn, the named party has no liability in respect of that facility or space unless provided for in a specific contract between the parties. Any such limits must be included in any naming rights' agreement.

E. Termination of Naming Rights

In addition to any remedies for breach of the written agreement granting naming rights, the parties may terminate a naming rights agreement in advance of the scheduled termination date under the following conditions:

- a. Termination by the District
The school district reserves the right, at its sole discretion, to terminate the naming rights without refund of consideration, prior to the scheduled termination date, should it feel it is necessary to do so to avoid the district being brought into disrepute.
- b. Termination by the Named Party
The named party may, without refund of consideration, at its sole discretion, terminate its acceptance of the naming rights prior to the scheduled termination date, in the event that the school district directly brings the named party into disrepute.

First Reading: ~~April 27, 2021~~ 04.27.2021
Adopted: May 18, 2021 05.18.2021
Reviewed:

4000 GENERAL HUMAN & COMMUNITY RESOURCES & RELATIONS POLICY

Personnel employed by the School District constitute the most important resource for effectively conducting a quality learning program. The goals of the School District's program for Human and Community Resources and Relations shall be:

1. To develop and implement those strategies and procedures for personnel recruitment, screening, and selection which will result in employing the best available candidates.
2. To establish conditions which will attract and retain, for all positions, the highest qualified personnel who will devote themselves to the education and welfare of all pupils.
3. To develop general employment strategies consistent with collective bargaining agreements for maximum contribution to the learning process and to utilize them as the primary basis for determining staff assignments.
4. To develop a climate in which optimum staff performance, morale, and satisfaction are produced.
5. To provide guidelines for compensation and benefits as well as other provisions for staff welfare.
6. To develop and utilize personnel evaluation processes which contribute to the improvement of both staff capabilities and the learning program.
7. To propagate a vigorous and planned effort to encourage all employees regardless of race, creed, color, national origin, age, physical impairment, or sex to find vital, satisfying, and productive job fulfillment at all levels of the organization.

Human and Community Resources and Relations policies shall apply to all employees of the School District and are limited in their application only as collective bargaining agreements may contain provisions differing from the policies.

Adopted: 06-09-1970 ISD 709
Revised: 12-11-1979
06-20-1995 ISD 709

4005 SCHOOL DISTRICT EMPLOYEES (IDENTIFICATION)

School District employees are identified as either providing classified services or licensed services.

Classified employees (secretaries, educational assistants, custodians, engineers, maintenance workers, technical service employees, non-licensed administrators) do not require a teaching or administrative license.

Licensed employees (superintendent, principals, directors, teachers, nurses, counselors, librarians, other instructional personnel) are those required to hold a current license by the State Department of Education.

Adopted: 06-09-1970 ISD 709

Revised: 12-11-1979

06-20-1995 ISD 709

4025 STANDARDS OF CONDUCT FOR PERSONNEL

Public confidence in the integrity and objectivity of all employees is an essential ingredient for the effective operation of the School District. Employees of the School District are entrusted with the welfare, property, security, and safety of the citizens they serve. Therefore, a need exists for standards of conduct applicable to all employees of the School District to ensure that the integrity of the School District is preserved.

Employees should pursue a course of conduct that does not violate public trust. Each employee should be aware that adherence to high ethical standards is vital to the successful performance of the individual's specific job in the school district. The public must be assured that no conflict exists between private interests and the official duties of employees of the School District.

The following standards shall apply to all employees of the School District:

1. Employees of the School District shall not accept other employment, temporary/part-time, or engage in private enterprises which will impair their independence of judgment in the exercise of School District duties. In evaluating the appropriateness of accepting other employment or operating a business, the employee shall consider the implied as well as a real conflict of interest. If an employee questions the propriety of other employment, he or she should consult his/her superiors for advice.
2. Employees shall not advertise, promote, or attempt to sell any article, investment, insurance, or other financial proposition to any person or business he/she supervises or inspects in the normal course of employment with the School District.
3. Employees shall not accept or agree to accept any compensation, reward, or gift for any service, advice, or assistance on matters related to School District employment with the following exceptions:
 - a. employees who accept student teacher placements from teacher preparation institutions may accept an honorarium or stipend from that respective institution and
 - b. in the event that a co-curricular or extra-curricular activity cannot take place due to a lack of officials or judges, a coach or advisor of a participating Duluth School District team or group may officiate or judge and be compensated for that service.
4. Employees should endeavor to pursue a course of conduct which will not raise suspicions among the public that they are likely to be engaged in acts that are in violation of the public trust. Each employee should remain conscious that the appearance as well as the reality of high ethical standards is vital.

5. Employees should not involve themselves in substantial outside employment beyond their normal work day during periods of time when they are not on vacation or leave of absence which would impair their ability to satisfactorily carry out their job-related responsibilities to the School District, impair their ability to provide for the safety of children to which they are in charge, or adversely affect the safety of co-employees.

Adopted: 06-09-1970 ISD 709

Revised: 05-10-1977

12-11-1979

08-09-1983

07-19-1994

06-20-1995

03-16-1999 ISD 709

4030 CONSULTANT SERVICES PERFORMED BY EMPLOYEES

Both the School District and the employee benefit when another school system, governmental unit, or other organization request that an employee of the School District be engaged as a paid consultant. Requests by staff members for professional leave to serve as consultants should generally be approved as long as the absence from the School District is reasonable.

A staff member who performs consultant service which is related to his/her educational expertise and/or job responsibility shall not accept an honorarium for such service, if said service is performed while on approved (paid) professional leave from the School District. An honorarium or pay may be accepted for such service if:

1. The employee performs such service while on vacation or unpaid leave.
2. The time required to perform the consultant service causes the employee to work a longer than normal work day. In this case, he/she may retain a dollar amount not to exceed one-third of the employee's daily rate of pay. The amount of honorarium in excess of one-third of one's daily rate of pay shall be deposited with the School District.

In all other cases, any honorarium or pay for consultant services shall be deposited with the School District. Such receipts may be utilized to promote the School District's program with which the employee is most directly involved.

Adopted: 02-10-1981 ISD 709

Revised: 06-20-1995 ISD 709

4045 RECRUITMENT, SELECTION, AND ASSIGNMENT OF PROFESSIONAL PERSONNEL

1. Recruitment and selection of staff shall be the responsibility of the Superintendent of Schools.
2. Excellence of educational preparation, appraisal of professional ability and likelihood of future development, general suitability for the particular position to be filled, the ability to relate effectively to students from a diverse population and employment and assignment goals for protected class employees shall be the most important criteria.

General suitability shall be appraised in terms of character, professional attitude, enthusiasm, ability to communicate, special competencies related to the position, and personal motivation. Qualifications, and not patronage or nepotism, shall determine who shall be employed.

3. The School District shall not discriminate in favor of or against applicants or employees because they are related by blood or marriage to employees of the School District.
4. Consistent effort shall be made to keep the faculty of each school and the School District reasonably balanced taking into consideration:
 - a. colleges or universities providing education/training
 - b. experience in professional education
 - c. spread of ages
 - d. gender
 - e. racial backgrounds
 - f. job market supply and demand
5. All starting salaries and wages shall be set in accordance with the established salary schedules.

Adopted: 06-09-1970 ISD 709

Revised: 07-07-1970

11-27-1973

04-17-1977

01-09-1979

03-11-1980

03-10-1987

06-20-1995 ISD 709

4045R RECRUITMENT, SELECTION, AND ASSIGNMENT PROCEDURES

Job Qualifications

1. Each position will be clearly defined and described with job specifications and qualifications prior to seeking a person to fill the position.
2. Minnesota Department of Children, Families & Learning licensure for teaching and evidence of basic qualifications are to be regarded as minimum considerations for employment as a teacher.
3. The School Board may establish minimum and desirable job qualifications for persons assuming licensed positions if such qualifications are to call for more than a license issued by the Minnesota Department of Children, Families & Learning.
4. Where a screening process is required, an overall grade point average of at least 2.50 on a 4.00 scale for all collegiate courses is required for consideration as a teacher in the School District.
5. Teachers employed in grades 7-12 must have an academic major in any subject area in which they teach more than half time. For subjects taught less than half time, the teacher is required to hold at least an academic minor as otherwise required by the Minnesota Department of Children, Families & Learning, whichever standard is higher.

Hiring Process

The Director of Human Resources will be responsible for managing employment procedures. Well qualified candidates will be recruited to fill vacancies after the application of existing transfer procedures has been completed.

Job descriptions on file in the Human Resources Office shall include specifications and qualifications which provide basic guidelines including a requirement for sufficient training, experience, and general suitability to enable the School District to employ competent, qualified persons but shall not be so restrictive to exclude protected class applicants. Job descriptions shall be written by the appropriate administrator(s) and reviewed by the Director of Human Resources.

Advertisement of vacancies shall be the responsibility of the Director of Human Resources. Notices of vacancies shall be published in all or some of the following areas:

Statewide, including Duluth, Minneapolis, St. Paul
Upper Midwest, including Chicago, Des Moines, Detroit, Madison, Milwaukee
University Placement Agencies
Local Minority Organizations
School District Internet website and other relevant Internet website(s)

If recruiting in the foregoing agencies or locations does not produce a satisfactory number of candidates, the recruiting area shall be expanded until a sufficient number of candidates, including candidates from protected classes, are identified. The recruitment process shall

attempt to generate candidates in identified job categories every year.

The Human Resources Office will determine which applications are complete and meet minimum qualifications and are, therefore, appropriate for screening. An initial screening will be completed by a committee appointed by the appropriate administrator, with the approval of Director of Human Resources. The screening committee will consist of at least two persons. For the purpose of screening internal transfer and assignment requests, the appropriate administrator and Director of Human Resources will be the interview team. Otherwise, the initial screening committee will assign each application a point total based upon criteria established by the Superintendent which will include, when appropriate, a graduated scale of points for college grade point average. Except for internal transfer and assignment requests, screening will take place throughout the year with appropriate updating of the active list following each screening. Those applicants with the highest point totals will be considered the active list from which candidates for interview are selected. The number of applicants on the active list will be three (3) times the number of anticipated yearly vacancies in the licensure field in K-6 and five (5) times the number of anticipated yearly vacancies in other licensure areas. The administrator responsible for the position will review the screened list to determine those applicants (usually 3-6) to be interviewed for a particular vacancy based upon building and School District needs. The interview committee (usually four people) will be appointed by the principal or other supervisor with approval of the Director of Human Resources. Usually the principal or supervisor will serve as the chairperson of the interview committee with other members representing community and/or staff. Only if the incumbent for the position has been promoted to supervise the position may he/she be a member of the interview committee when selecting her/his replacement.

Efforts will be made to include protected class members in the screening/ interviewing process by establishing a pool of qualified volunteers from the protected classes willing to assist in the process.

The chairperson of the interview committee will be responsible for developing a set of questions to be asked during the interviews. The Director of Human Resources will be responsible for reviewing the proposed interview questions and scheduling the candidates for interview.

During the interview, interview committee members will assess the candidate's qualifications and acceptability for the position. After each interview, time will be allowed for interview committee members to record notes on the candidate. Each interview committee member will keep notes and records of each interview. The chairperson of the interview committee will complete at least two telephone references to confirm the qualifications of the top rated candidate(s) and prepare a recommendation that reflects the committee's findings. The recommendation will be submitted to the Director of Human Resources for review and processing. If no candidate interviewed is recommended, further search for an acceptable candidate will be made.

The rating sheets from each interview committee member and set of questions asked in the interview will be kept in the Human Resources Office for each position posted.

Interview committee members are expected to maintain confidentiality with regard to discussion carried on during the interview process. No interview committee member will discuss the interviews with applicants, candidates, or others outside the selection process.

The Human Resources Office will notify all candidates of the recommendation of the interview committee and submit the name of the recommended candidate to the Superintendent for consideration and approval/disapproval.

The Director of Human Resources and the Superintendent will concur on each proposed salary or wage to be paid prior to recommending the candidate to the School Board for final action.

Travel Expenses Associated With Pre-Employment Interviews

Expenses incurred by an applicant associated with interviewing may be reimbursed to the applicant by the School District with approval of the Superintendent. Upon completion of travel, the applicant will submit an itemized statement of any transportation and lodging expenses, including receipts, for approval by the Director of Human Resources.

Changes in Assignment

1. In keeping with his/her responsibilities, each principal or head of a unit in the School District shall share in the selection and assignment of school personnel whose work he/she will supervise.
2. Enrollment changes, late and unexpected loss of staff members and other exigencies, occasionally force transfers of employed personnel to assignments other than what was planned earlier.

Review of Regulation

These regulations will be reviewed by a committee representing certified staff, administration and the Human Resources Office every three years. Following the review, a report shall be made to the Human Resources Committee of the School Board.

Adopted: 07-28-1987 ISD 709

Revised: 01-16-1990

06-20-1995

05-15-2001 ISD 709

4060 PERSONNEL RECORDS

Personnel records shall be kept on all employees and shall include the following items applicable to the position:

1. Licensure status and copies of all licenses.
2. Official college transcripts.
3. Credentials from college, university, or private placement bureaus (if available and appropriate).
4. Employee evaluations.
5. Other related materials including communications of a positive or negative nature concerning the employee may be placed in an employee's personnel file by the employee's supervisor. An employee shall be furnished a copy of any derogatory material entered into the personnel file if (a) the material does not contain his/her signature or (b) a copy has not already been given the employee.
6. It shall be the responsibility of the individual employee to furnish to the Assistant to the Superintendent for Human and Community Resources and Relations official transcripts for any courses completed after the employee's initial employment with the School District. This includes official transcripts necessary to effect any change in the employee's placement on the salary schedule adopted for any given year.

All materials received for inclusion in a personnel file shall be stamped with date received for filing. A record shall be maintained in each personnel file of the date, names of persons outside the Human and Community Resources and Relations Office inspecting a file, and reason for such inspection.

The various data elements retained within personnel files shall be classified pursuant to M.S. 15.162 to 15.168:

1. Employees shall have the right to inspect their own personnel files upon written request as provided by M.S. 125.17, Subd. 12. The employee shall have the right to reproduce any of the contents of the files at the employee's expense and to submit for inclusion in the file written information in response to any material contained therein. The School District may destroy any material contained in personnel files as provided by law.
2. All evaluations shall be reviewed with the employee by his/her supervisor prior to filing. The employee shall be requested to sign the evaluation to indicate that he/she has reviewed the same and be given a copy upon request. Failure to sign the evaluation report, however, in no way detracts from its effect or validity. Signatures shall not be construed as meaning agreement with the evaluation. Any form of evaluation shall be identified, and employee so evaluated shall be informed.
3. Official grievances and/or complaints filed by any employee under the grievance procedure shall not be placed in the personnel file of the teacher nor shall such a grievance become a part of any other file or record utilized in personnel assignments nor shall it be used in any recommendations for personnel assignments.

Personnel records of all deceased, retired, or resigned employees shall be retained for ten years, after which time they may be microfilmed and destroyed.

Adopted: 06-09-1970 ISD 709
Revised: 08-09-1977
07-12-1983
06-20-1995 ISD 709

4075 EVALUATION OF PROFESSIONAL STAFF

Teaching involves a constant stream of professional decisions that affect the probability of learning. These decisions are made and implemented before, during, and after interaction with the student. Teaching, the most important element in an educational program, is recognized as both a science and an art which needs to be formally evaluated.

Evaluation of teaching should serve three purposes:

1. To raise the quality of instruction delivered to students.
2. To raise the standard of the teaching profession as a whole.
3. To aid the individual teacher to grow professionally by providing reinforcement and instruction.

The School Board delegates to the professional staff the responsibility of developing and organizing an effective evaluation program.

Adopted: 06-09-1970 ISD 709

Revised: 08-09-1983

10-09-1984

06-20-1995 ISD 709

4085 TENURED TEACHER EVALUATION

Philosophy

The School Board and the professional staff recognize that the primary goal of the School District is student learning and development. In order to reach this primary goal, a plan has been designed by which teacher performance will be monitored, developed, and continually updated.

Purpose

The primary purposes of the Teacher Evaluation Process are:

1. To promote student learning and development.
2. To enhance teacher effectiveness by encouraging initiative and creativity in curricular implementation and instructional support.
3. To reinforce and commend effective instruction and instructional support.
4. To develop effective communication and mutual respect between teachers and administrators involved in the process.

Process

In order to accomplish these purposes, the Tenured Teacher Evaluation Process incorporates a system which includes the following components:

1. A yearly Goal Setting and Review Process in which staff members will work toward achieving professional goals mutually agreed upon by the teacher and the principal or supervisor.
2. A Comprehensive Evaluation completed by the principal or supervisor once every three years to observe teaching and/or professional support skills and outcomes using a set of pre-determined criteria.

Goal Setting and Performance Review

All tenured staff members will participate in the Goal Setting and Performance Review annually. The teacher and principal or supervisor should discuss and select a goal or goals representing mutual agreement. All goals should be: (1) challenging, (2) stated precisely, (3) stated in measurable terms including outcome statements, and (4) designed to include a time-line for accomplishment.

The following two steps are involved in the Goal Setting Process.

1. An Initial Conference between the teacher and the principal or supervisor will be held during the early part of the school year. The statement(s) of the goal(s), the steps involved in achievement, and recommended time-line should be determined.
2. A Subsequent Conference will be held during the latter part of the school year at which time the teacher and the principal or supervisor will record their evaluations of the achievement of the goal(s).

Comprehensive Evaluation

1. Tenured staff will participate in the Comprehensive Evaluation a minimum of once every three years on a rotating basis established by the Superintendent.
2. The principal or supervisor has the prerogative to evaluate teachers more frequently if a need arises, and teachers may request to be evaluated more frequently.

A variety of methods will be used to observe and evaluate the teacher relative to the Comprehensive Evaluation. The Comprehensive Evaluation shall be based upon the following criteria:

1. Planning/Preparation
2. Providing Instruction and/or Instructional Support
3. Management and Organization
4. Adherence to Policies and Procedures
5. Rapport with Students, Parents, Colleagues, Administrators and Other Staff
6. Communication Skills
7. Professional and Personal Characteristics

Personnel Evaluated

All persons in licensed staff positions in the School District come under the Teacher Evaluation Process, with the exception of administrative staff covered under Administrative Evaluation. Non-tenure teachers will participate in the Comprehensive Evaluation three times a year.

Principals and supervisors are responsible for the evaluation of staff assigned to them. Administrators who share the responsibility of staff members will jointly prepare their evaluations.

Record Keeping

1. All records pertaining to the Comprehensive Evaluation Process will be maintained in the Human and Community Resources and Relations Office.
2. The teacher may request to see his/her personnel file.
3. The teacher will be requested to sign the Comprehensive Evaluation Report as an indication that he/she has reviewed same.
4. All records pertaining to goal setting will be kept in the principal's/ supervisor's working files.
5. Copies of all documents related to goal setting and the Comprehensive Evaluation will be provided to the teacher upon request.

Adopted: 06-10-1975 ISD 709

Revised: 01-11-1977

08-09-1983

06-11-1985

06-20-1995 ISD 709

4090 ADMINISTRATOR EVALUATION

Philosophy

The School Board and the professional staff recognize that the primary goal of the School District is student learning and development. The most important responsibility an administrator has as an instructional leader is performance evaluation. To be done adequately, it requires a considerable amount of time, and this time commitment should be understood and made from the beginning.

Purpose

The primary purpose of the Administrator Evaluation process is the improvement of instruction.

Assumptions

The basic assumptions related to the need for an Administrator Evaluation system are:

1. Administration is a valuable and necessary function in the School District.
2. Administration is a supportive function.
3. Each administrator brings to the School District areas of strength and areas where growth and development will improve his/her effectiveness.
4. The instructional staff needs to be formally evaluated and administrators should understand the need to be evaluated.
5. Periodic comprehensive evaluation of all personnel is necessary if planned change and improvements are to take place.

Process

The Administrator Evaluation system incorporates the following components:

1. A yearly Goal Setting and Review Process in which the administrator will work toward achieving professional goals mutually agreed upon by the administrator and his/her supervisor.
2. A Comprehensive Evaluation once every two years using a set of pre-determined criteria.

Goal Setting and Performance Review

All administrators will participate in the Goal Setting and Performance Review annually. The administrator and his/her supervisor should discuss and select a minimum of two goals representing mutual agreement. The goal(s) should relate to the administrator's professional duties and the School District's goals. All goals should be (1) challenging, (2) stated precisely, (3) stated in measurable terms, and (4) designed to include a time-line for accomplishment.

The Superintendent shall be annually evaluated by the School Board.

The following two steps are involved in the Goal Setting Process:

1. An Initial Conference between the administrator and his/her supervisor will be held during August or September. The statement(s) of the goal(s), the steps involved in achievement, and the recommended time-line should be determined.
2. A Subsequent Conference will be held in May or June at which time the

administrator and his/her supervisor will record their evaluations of the achievement of the goal(s).

Comprehensive Evaluation

1. Administrators will participate in the Comprehensive Evaluation a minimum of once every two years.

2. The supervisor has the prerogative to evaluate administrators more frequently if a need arises, and administrators may request to be evaluated more frequently.

A variety of methods will be used in observing and evaluating the administrator relative to the Comprehensive Evaluation. The Comprehensive Evaluation shall be based upon the following criteria:

1. Instructional Leadership
2. Administration and Supervision
3. Relationship to Other Administrators
4. Relationship to Staff
5. Relationship to students
6. Relationship to community
7. Professional characteristics
8. Personal characteristics

Record Keeping

1. All records pertaining to the Administrative Comprehensive Evaluation Process will be maintained in the Human and Community Resources and Relations Office.
2. The administrator may request to see his/her personnel file.
3. The administrator will be requested to sign the Comprehensive Report as an indication that he/she has reviewed same.
4. All records pertaining to goal setting will be kept in the working files of the administrator's supervisor.
5. Copies of all documents related to goal setting and the Comprehensive Evaluation will be provided to the administrator upon request.

Adopted: 06-10-1975 ISD 709

Revised: 01-11-1977

08-09-1983

06-11-1985

06-20-1995 ISD 709

4095 STUDENT TEACHERS

The Superintendent is authorized to enter into formal agreements with nearby teacher training institutions to place student teachers in the schools and arrange for appropriate contracts to cover the process of placements and honorariums to supervising teachers. A student teacher shall not be assigned to work with a teacher without the consent of the teacher and approval of the principal.

Only tenured teachers may serve as supervising teachers to student teachers, and only one student teacher may be assigned to a supervising teacher during a school year. Any exceptions to the assignment of student teachers must be authorized by the Superintendent or his/her designee.

Adopted: 06-09-1970 ISD 709
Revised: 08-09-1983
06-20-1995 ISD 709

4100 EXCHANGE TEACHERS

Teachers who wish to become involved in a teacher-exchange program should make their interest known to the Superintendent who will make a recommendation to the School Board based on what he/she believes to be in the best interest of students and the teacher. A teacher subsequently approved to participate in an exchange program shall be entitled to all privileges and benefits of a regular teacher.

If the salary of the teacher on exchange is paid by the School District, the necessary deposits to the Duluth Teachers' Retirement Fund must be paid in the calendar year when they are due. If the salary is not paid by the School District, the exchange teacher may receive a year of credit into the Retirement Fund if the required deposits are paid by the teacher in the calendar year in which they are due.

Adopted: 06-09-1970 ISD 709

Revised: 08-09-1983

06-20-1995 ISD 709

4105 JOB SHARING

Tandem teaching is defined as the practice of assigning two (2) teachers to fill one (1) full time position, each working one (1) semester. As an alternate, each teacher could work four (4) hours per day for thirty-eight (38) weeks. Other reasonable plans may also be considered. Applications for tandem teaching must be made by May 15.

The following conditions shall be reviewed by the School Board prior to approving tandem teaching assignments:

1. The instructional program is not adversely affected.
2. That a qualified and properly licensed replacement can be employed to fill the vacancy created by the tandem teaching assignment.
3. A teacher on probation or substitute status shall not be eligible for a job sharing position.
4. Selection of teachers to fill the vacancy created by the tandem arrangement shall be made pursuant to terms of the bargaining agreement between the School Board and the Duluth Federation of Teachers.
5. A teacher who is on layoff status or is subject to layoff will not be eligible to assume a job sharing arrangement unless the School Board can be assured that the job sharing relationship will remain intact for the entire school year.
6. Participating teachers will receive one-half (½) of the contract salary he/she would receive for a thirty-eight (38) week period. In addition, all monetary and non-monetary fringe benefits shall be provided consistent with the terms of the collective bargaining agreement except:
 - a. life and long term disability coverage shall be discontinued during any semester in which the teacher does not work;
 - b. salary shall not be paid in advance of work performed;
 - c. health insurance shall be paid for both participants for a full year provided the total salary paid both teachers working on a half (½) time basis will be the same or less than employing one of the teachers on a full time basis. Alternatively, where insufficient savings exists in one (1) tandem teaching arrangement, health insurance may still be provided if the savings of the group (all approved tandem teaching arrangements) is sufficient to provide coverage of individual arrangements. Should the savings not exist, the least senior teacher may, if he/she so elects, remain in the School District's hospitalization group provided he/she pays all quarterly premiums in advance to the school district.

Teachers accepting a tandem teaching assignment may not discontinue the assignment during the school year unless the School Board approves such discontinuance. In accepting and agreeing to a tandem teaching assignment, the teacher does not relinquish his/her tenure right to reinstatement to a full position or the extent of contract he/she worked prior to the tandem teaching assignment.

Adopted: 04-13-1982 ISD 709

Revised: 03-08-1983

04-17-1984

05-14-1985

06-10-1986

06-20-95 ISD 709

4115 PROFESSIONAL LEAVES (WITH PAY)

Professional leaves, usually a day or two duration, may be granted to individual staff members from the allocation of professional days provided to each school or department at the beginning of each year by the Superintendent or his/her designee. Individual teachers may apply for the use of these professional leave allocation days through their respective supervisors with final approval of the appropriate administrator.

A maximum of ten (10) days leave may be granted each teacher per school year. Requests for additional leave days will require approval by the Superintendent.

Adopted: 09-09-1980 ISD 709
Revised: 06-20-1995
09-16-1997 ISD 709

4120 CONTRACTUAL LEAVES (WITHOUT PAY)

Leaves involving military, child bearing/child rearing, organizational, study, or medical shall be administered in compliance with the collective bargaining agreement of the unit to which the employee is a member.

Adopted: 09-09-1980 ISD 709

Revised: 06-20-1995 ISD 709

4125 OTHER LEAVES OF ABSENCE (WITHOUT PAY)

Long Term Leaves

Long Term Leaves not specifically identified in an employee's collective bargaining agreement may be granted under the following conditions/circumstances:

1. An employee must have served four (4) consecutive years in a licensed professional capacity in the School District to qualify for a leave of one (1) school year. At the discretion of the School Board, a long term leave may be extended up to a maximum of one (1) additional year provided the extension meets the requirements of 3, 4, 5, and 6 of this section.
2. A second leave request shall not be considered until four (4) consecutive years or more have elapsed following the conclusion of the preceding long term leave.
3. The staff member must be working at least one-half (½) time or more during the preceding school year or, if on leave, when last employed by the School District in a tenured capacity.
4. Requests for leave must be submitted to the Director of Human Resources by April 15 of the year preceding the school year in which the leave is requested.
5. A leave shall not be recommended unless a properly licensed and otherwise qualified replacement is available.
6. Assurances are provided by both the employee and supervisors prior to granting the leave that disruption to the educational process will not take place by virtue of granting the leave.

Short Term Leaves

After an employee has completed three (3) consecutive years in a licensed position in the School District, the employee may request a leave without pay for up to two (2) consecutive weeks for reasons which are important to the employee or his/her immediate family provided the following conditions exist:

1. The need for the absence cannot be accommodated during non-working days.
2. A properly licensed and otherwise qualified substitute is available.
3. The leave is not being requested to extend a holiday or recess period within the school year.
4. A second short term leave is not approvable until four (4) consecutive years or more have elapsed since the conclusion of the first leave.
5. Assurances are provided by both the employee and supervisors prior to granting the leave that disruption to the educational process will not take place by virtue of granting the leave.

Religious Observance Leaves of Absence

Classified and certified employees may be granted leave of absence for religious observances when such observations occur on a school day and where the opportunity to participate in such observances does not occur at times outside the regular work day. Such absence shall be without pay except where the employee has accumulated annual vacation or personal leave, and in that case such day/half-day religious observance shall be charged against the accumulated annual vacation or personal leave of the employee.

Employees who are entitled to personal leave days through their collective bargaining agreements may elect to take time off without pay for religious observance so as to conserve personal leave days for other purposes.

Adopted: 06-09-1970 ISD 709
Revised: 07-18-1978
12-12-1978
09-09-1980
08-09-1983
03-14-1989

06-20-1995
06-19-2001 ISD 709

4130 MID-CAREER LEAVES OF ABSENCE

Within the discretion of the School Board, mid-career leaves of absence without pay may be granted to employees of the school district defined as "teachers" as provided in M.S. 125.03, Subd. 1, excluding superintendents, who desire to change their occupation or enter a full time program of study leading directly to securable employment outside public school education or administration. "Change in occupation" as referred herein shall mean employment of a permanent nature, other than that to which they are licensed to perform in a public school, and the employment which they have secured is ostensibly long term and continuous in nature. It is not the intent of this policy to allow leaves for medical, or other reasons beyond which is already provided in the collective bargaining agreement of the bargaining unit to which the employee is a member of otherwise provided in the Policies Regulations, By-laws of Independent School District 709.

The following guidelines shall also apply to such leaves:

1. The teacher must be a permanently assigned full-time employee of the district at the time application for the leave is made. Additionally, the employee must have completed at least five (5) years of full time (or the equivalency of same) service to the district and have at least ten (10) years of TRA, DTRFA, STPTRFA or MTRFA covered allowable service in the State of Minnesota. Furthermore, leave may not be granted to employees in licensure areas wherein the district is experiencing difficulties in recruiting replacements.
2. The leave request shall not be less than nor more than three (3) years. Within the discretion of the School Board, leave may be extended on an annual basis up to a maximum of two additional years. In order to qualify for extension of the leave, the teacher must request such extension in writing before February 1 and provide written reasons for requesting an exception to this policy.
3. The leave shall be granted only once per employee.
4. A teacher on such a leave shall advise the School Board of his/her intention to return before February 1 in the school year preceding the school year in which he/she wishes to return. Furthermore, should the teacher make any change in occupation or course of study from that upon which the initial request for leave was granted at any time during the leave, the teacher's leave shall expire on the following February 1 subsequent to such change. In the event the teacher makes any such change, the teacher may resubmit a request to the School Board before February 1, and the Board may either reaffirm the leave pursuant to the guidelines of this policy for the remaining period of the initial leave or reinstate the teacher to a position at the beginning of the next school year as provided in paragraph 5 below. Should the teacher's employment or study cease for any reason, the teacher must notify the School Board of the same within thirty (30) days subsequent to such cessation. The Commissioner of Education shall be notified in writing whenever a teacher who was granted a leave prior to 7/1/84 returns to teaching from a leave.

5. Right of reinstatement shall be to a position for which the teacher is licensed as of February 1 preceding the school year in which reinstatement is sought, unless the teacher is discharged or placed on unrequested leave of absence pursuant to M.S. 125.17 while on leave. A teacher failing to notify the School Board of his/her intent to be reinstated to the employment of the school district by February 1 of the final year of the leave which was granted shall result in the teacher's loss of seniority and continuing contract rights, unless the teacher was placed on unrequested leave of absence while on a mid-career leave of absence, in which case, the School District shall adhere to the terms, if any, of the collective bargaining agreement to which the teacher is a member.
6. A teacher shall retain seniority and continuing contract rights without interruption during the period of leave.
7. Years spent by a teacher on such leave of absence shall not be included in the determination of his/her salary upon his/her return to teaching in the School District.

Adopted: 07-18-1978 ISD 709

Revised: 09-09-1980
03-08-1983
04-17-1984
05-14-1985
06-20-1995 ISD 709

4135 CLASSIFIED PERSONNEL

Recruitment, Selection, and Appointment

1. Recruitment and selection of classified staff shall be the responsibility of the Superintendent.
2. Those candidates best qualified for a position will be selected for permanent positions. Appropriateness of educational preparation, appraisal of professional ability and likelihood of future development, general suitability for the particular position to be filled, the ability to relate effectively and with sensitivity to students and staff from a diverse population, and employment and assignment goals for protected class employees shall be the most important criteria. Qualifications, and not patronage or nepotism, shall determine who shall be employed.
3. The School District shall not discriminate in favor of or against applicants or employees because they are related by blood or marriage to employees of the School District.
4. All starting salaries and wages shall be set in accordance with the established wage and salary schedules.

Adopted: 03-14-1989 ISD 709

Revised: 06-20-1995 ISD 709

4135R CLASSIFIED PERSONNEL PROCEDURES

Employment Process

The Assistant to the Superintendent for Human and Community Resources and Relations is responsible for managing employment procedures. Existing transfer/promotion provisions of appropriate unit contracts shall be fulfilled before outside candidates are recruited or considered. Regulations outlined below will apply as much as possible to the selection process for internal transfer/promotion. Strong efforts will be made to include at least one minority representative and provide for gender balance on all screening and interviewing committees.

Job Qualifications

Position requirements will be clearly defined and on file in the Human and Community Resources and Relations Office. Job descriptions shall include non-discriminatory specifications and qualifications which provide basic guidelines which include requirements for sufficient training, experience, and general suitability to enable the school district to employ competent, qualified persons.

Recruitment of Candidates

Advertisement of vacancies shall be the responsibility of the Administrator of Non-Certified Employees. Applicants may be recruited through referrals from Job Service, through advertisements in the local or other appropriate newspapers, and through referrals from the minority community.

Screening

The Human and Community Resources and Relations Office will determine which of the applications received by the district are complete and meet minimum qualifications and are, therefore, appropriate for screening. Screening will be done by a committee of at least two persons. The committee will assign each application a point total based upon the requirements of the job description and the needs of the particular position. Applicants with the highest point totals will be considered for interview.

Interviewing

The interview team will usually consist of four people and will be appointed by the appropriate administrator with approval of the Contract Administrator. The administrator will serve as the chairperson of the interview committee and will also be responsible for developing a set of questions to be asked during the interview. (These questions should be reviewed before the interviews by the Contract Administrator.) The Contract Administrator is responsible for scheduling the candidates for interview. Only if the incumbent for the position has been promoted to supervise the position may he/she be a member of the interview team when selecting his/her replacement.

During the interview, the committee members will assess the candidate's qualifications and acceptability for the position. After each interview, time will be allowed for committee members to record notes about the candidate. The chairperson will complete at least two telephone employment reference checks (with appropriate forms supplied by Human and

Community Resources and Relations) to confirm the qualifications of the top-rated candidate(s), and prepare a recommendation that reflects the committee's findings. The recommendation will be submitted to the Contract Administrator. If no candidate interviewed is recommended, further search for an acceptable candidate will be made.

The rating sheets from each committee member and a set of questions asked in the interview will be reviewed and kept in the Human and Community Resources and Relations Office. Committee members are expected to maintain confidentiality with regard to the screening and interviewing processes. Committee members will not discuss the screening or interview process with interviewees, candidates, or any others outside the selection process.

The Human and Community Resources and Relations Office will notify all candidates of the recommendation of the committee and submit the recommendation to the Superintendent for consideration and referral to the School Board. Wage will be determined according to the appropriate unit's contract provisions.

For positions with a high incidence of hiring, the Human and Community Resources and Relations Office may choose to complete a selection process on a periodic basis.

Applications in these cases will be screened, points totaled, and a list established from which hiring may be done at any time during the period. Efforts will be made in the future to apply the guidelines herein to those positions classified as hourly/temporary/part-time, thereby extending consistent practice to all areas of employment.

Adopted: 03-14-1989 ISD 709

Revised: 01-16-1990

06-20-1995 ISD 709

4140 CIVIL SERVICE EMPLOYEES

The following terms and conditions of employment for all classified employees shall be governed by Civil Service Rules 1-20 except as may be otherwise provided in the School District's collective bargaining agreements: (a) Assignment and Transfer, (b) Orientation, Promotion, Demotion, (c) Leaves, (d) Service Ratings, (e) Layoffs, (f) Probation, (g) Removals, (h) Resignations, (i) Miscellaneous provisions and amendments, (j) Classifications, and (k) Employment.

Adopted: 08-09-1983 ISD 709

Revised: 06-20-1995 ISD 709

4145 EMPLOYEE ASSISTANCE

The School Board and the Duluth Federation of Teachers Local 692, AFT, Duluth Principals' Association, Duluth District-wide Instructional Administrators' Association, Non-Certified School Employees Association, General Drivers' Union Local 346, City & County Public Service Union Local 66, Duluth School Employees Union Local 956, I. B. of F. & O., and Executive Employees Association recognize that a wide range of problems not directly associated with one's job function can have an effect on an employee's job performance. In most instances the employee will overcome such personal problems independently and the effect on job performance will be negligible. In other instances, normal assistance will serve either as motivation or guidance by which such problems can be resolved so the employee's job performance will return to an acceptable level. In some cases, however, the employee cannot resolve his/her problems and unsatisfactory performance persists.

The School District and the unions/associations believe it is in the interest of the employee and the employee's family, that the School District and the union/associations provide an employee service which deals with such persistent problems. Therefore, it is the policy to handle such problems within the following framework:

1. The School District and the unions/associations recognize that almost any human problem can be successfully resolved provided it is identified in its early stages and referral is made to an appropriate caregiver. This applies whether the problem be one of physical illness, mental or emotional illness, finances, marital or family distress, alcoholism, drug abuse, legal problems, or other concerns.
2. The purpose of this program is to assure employees if such personal problems are the cause of unsatisfactory job performance, they will receive careful consideration and an offer of assistance to help resolve such problems in an effective and confidential manner. Since employee work performance can be affected by the problems of an employee's spouse or other dependents, the program is available to the families of our employees as well.
3. When an employee's job performance or attendance is unsatisfactory and the employee is unable or unwilling to correct the situation, either alone or with normal assistance, this is an indication that there may be some cause outside of the realm of his/her job responsibilities which is the basis of his/her problem.
4. Employees will be assured by the School District that their job and job future, and reputation will not be jeopardized by utilizing this employee service.
5. An employee's unsatisfactory job performance shall be handled in a forthright manner. Serving agencies shall maintain complete confidentiality in employee interviews and agency records.
6. In instances where it is necessary, sick leave shall be granted for treatment or rehabilitation on the same basis as is granted for ordinary health problems. In all cases, if an employee requests a leave of absence without pay for purposes of receiving treatment or therapy, up to a year shall be granted. Employees referred through the program by their supervisor may be requested by the school district to secure adequate medical, rehabilitative counseling or other services as may be necessary to resolve their problems. The employee shall receive full compensation

as if he/she remained regularly employed for the duration of the treatment and/or rehabilitation, as limited by the individual working agreements.

7. Any employee who has a problem which he/she feels may affect work performance is encouraged to voluntarily seek counseling and information on a confidential basis by contacting a designated agency or resource.
8. Record of contact, referral, or treatment with any caregiver or Case Review Committee proceedings will not be recorded or included in any form on employee permanent personnel record or file or used in disciplinary actions.
9. If the employee refuses the offer of help and job performance or attendance problems continue, the matter may be brought before the Case Review Committee of this program. (see paragraph 11)
10. If the matter cannot be satisfactorily resolved by the Case Review Committee, disposition of the matter will proceed under the existing collective bargaining contractual relations between the school district and the bargaining unit.
11. To coordinate and implement this program, the School District and bargaining units agree to establish a Policy Review Committee. The Committee shall:
 - a. Be composed of equal representation: two representatives from employer; two from employees' bargaining unit, and one caregiver.
 - b. Review the effectiveness of the program semi-annually. See that reasonable uniformity in treatment is maintained.
 - c. Maintain for each union/association and employer a current listing of available community referral, treatment, and diagnostic counseling services.
 - d. Approve an informational program for school district supervisors and union/association representatives.
12. To provide specific case review, a Case Review Committee will be established consisting of two representatives from employer, two from employees' bargaining unit, and one caregiver.

Adopted: 06-10-1975 ISD 709

Revised: 04-08-1980

06-20-1995 ISD 709

4150 EMPLOYEES' ORGANIZATIONS

Employees of the School District are free to join any employee organization to which they are eligible for membership. They also have the right to abstain from membership in any employee organization. The School Board and the school administration shall not try to influence an employee in the selection of an employee organization. When space in school buildings is made available to organizations, such space shall be made available to them equally outside of the normal working hours so as not to reflect any preference for one organization over another. The School Board and the school administration hold the principal of each school responsible for activities which occur within the school. Plans for meetings to be held in any school must be cleared with the principal of the building and a building use permit must be obtained from the central office.

Employees who are elected officers or appointed representatives of a bargaining unit shall be granted reasonable time off without pay for the purpose of conducting the duties of the exclusive representative. A leave of absence without pay, upon request, shall be granted to elected or appointed officials of the exclusive representative. Such leave shall not be for more than one year, subject to renewal for any additional year with the approval of the School Board.

Reference: MSA 179.66 subd. 10

Adopted: 06-09-1970 ISD 709

Revised: 08-09-1983

06-20-1995 ISD 709

4155 PAY FOR SUBSTITUTE TEACHERS AND TEMPORARY CLASSIFIED PERSONNEL

Recommendations for rates of pay for substitute teachers and classified temporary substitute personnel will be made by the Assistant to the Superintendent for Human and Community Resources and Relations in consultation with the Superintendent and the Director of Business and Finance. After an annual review of the compensation for positions covered by this policy, a recommendation will be made for possible changes to the Budget Committee. The recommendations will be submitted to the School Board for action.

The rates for individual groups of employees will be reviewed each time the collective bargaining agreement is concluded for the specific group of workers performing same or similar work.

When determining whether to recommend raising or lowering a rate of pay for a group of substitute or temporary employees, the Assistant to the Superintendent for Human and Community Resources and Relations will be guided by the following factors:

1. The necessity to accomplish the work of the School District in a cost effective manner.
2. The rate of pay for permanent employees of the School District doing similar work.
3. The needs of the specific department or program employing the substitutes.
4. The general rates of pay for casual workers doing similar work in Duluth and the surrounding areas.
5. The general availability of workers who are willing to accept assignment as substitute or temporary employees.

Current rates of pay for substitute teachers and temporary classified personnel will be on file and available to interested persons in the Human and Community Resources and Relations Office.

Adopted: 10-17-1984 ISD 709

Revised: 02-17-1987

01-16-1989

11-13-1990

08-13-1991

06-20-1995 ISD 709

4160 EMPLOYEE RECOGNITION AND/OR MEMORIALS

Families or friends wishing to establish a memorial for living or deceased employees are encouraged to consider the following as appropriate and acceptable memorials:

1. Scholarship fund in name of living or deceased employee. Donor should make gift in accordance with scholarship guidelines established for that particular fund.
2. Recognition plaque and/or portrait to be displayed for a predetermined period in the location/building where long term service was provided.
3. Presentation of funds for the purchase of equipment or furnishings to the school with appropriate accompanying and identifying plaque.

Proposals for memorials not in the above three categories shall be referred to the School Board for acceptance or rejection.

Adopted: 02-12-1980 ISD 709

Revised: 06-20-1995 ISD 709

4171-1 FORM: EMPLOYEE AUTHORIZATION FOR RELEASE OF INFORMATION

To: _____[School District]

RE: Personnel Records of _____[name]

(Date of Birth and/or Social Security Number)

This is your full and sufficient authorization, pursuant to Minn. Stat. 13.05, subd. 4 and Minn. Rules 1205.1400, subp. 4, to release to, their representatives or employees, all information pertaining to [describe]

_____ maintained by the
employer
school district, with the following exceptions:

The information is needed for the purpose of _____
[specify]

This authorization specifically includes records prepared prior to the date of this authorization and records prepared after the date of this authorization, such records to be used only for the purpose specified. I do not authorize re-release of this information by the third party.

I understand that I may revoke this consent in writing at any time. Upon the fulfillment of the above-stated purpose, this consent will automatically expire without my express revocation.

A photocopy of this authorization will be treated in the same manner as an original.

Dated: _____

Signature of Employee:_____

ATTENTION PUBLIC FACILITIES: Minnesota Statutes Section 13.05 requires automatic expiration of this authorization one (1) year from the date of authorization.

Adopted: 06-19-2001 ISD 709

4171 PUBLIC AND PRIVATE PERSONNEL DATA

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to school district staff who need it to conduct the business of the school district.
- C. "Confidential" means the data is not available to the subject.
- D. "Parking space leasing data" means the following government data on an application for, or lease of, a parking space: residence address, home telephone number, beginning & ending work hours, place of employment & work telephone number.
- E. "Personnel data" means data on individuals collected because they are or were employees of the school district, or an individual was an applicant for employment, volunteers for the school district, or is a member of or applicant for an advisory board or commission.
- F. "Finalist" means an individual who is selected to be interviewed by the school board for a position.

IV. PUBLIC PERSONNEL DATA

- A. The following information on employees, including volunteer & independent contractors, is public:
 - 1. Name
 - 2. Actual gross salary
 - 3. Salary Range
 - 4. Contract Fees
 - 5. Actual gross pension
 - 6. The value & nature of employer-paid fringe benefits
 - 7. The basis for & the amount of any added remuneration, including expense reimbursement, in addition to salary
 - 8. Job title
 - 9. Bargaining unit
 - 10. Job description
 - 11. Education & training background
 - 12. Previous work experience
 - 13. Date of first & last employment
 - 14. The existence & status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in disciplinary action

15. The final disposition of any disciplinary action, as defined in Minnesota Statute 13.43, Subd. 2(b), together with the specific reasons for the action & data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district
 16. The terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, & such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data
 17. Work location
 18. Work telephone number
 19. Badge number
 20. Honors & awards received
 21. Payroll timesheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or medical leave or other not public data
 22. City & county of residence
- B. Personnel data may be disseminated to labor organizations to the extent the school district determines it is necessary for the labor organization to conduct its business or when authorized by the Commissioner of the Bureau of Mediation Services.
 - C. The following information on applicants for employment or advisory board/commission is public:
 1. Veteran status
 2. Relevant test scores
 3. Rank on eligible list
 4. Job history
 5. Education and training
 6. Work availability
 - D. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
 - E. Names & home addresses of applicants for appointment to & members of an advisory board/commission are public.
 - F. Regardless of whether there has been a final disposition as defined in Minnesota Statute 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minnesota Statute 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

V. PRIVATE PERSONNEL DATA

- A. All other personnel data is private & will only be shared with school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.
- B. Data created, collected or maintained by the school district to administer employee

assistance programs are private.

- C. Parking space leasing data is private.
- D. The school district may display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee
- E. The school district may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
 - 1. The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
 - 2. A pre-petition screening team conducting an investigation of the employee under Minnesota Statute 253B.07, Subd. 1; or;
 - 3. A court, law enforcement agency or prosecuting authority.
- F. A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.
- G. The school district shall make any report to the board of teaching or the state board of education as required by Minnesota Statute 122A.20, Subd. 2, & shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school district's files, any termination or disciplinary proceeding, & settlement or compromise, or any investigative file in accordance with Minnesota Statute 122A.20, Subd. 2.
- H. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the reemployment insurance program under Minnesota Chapter 268.

VI. MULTIPLE CLASSIFICATIONS - If data on individuals is classified as both private and confidential by Chap. 13, or any other state or federal law, the data is private.

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

VIII. RESPONSIBLE AUTHORITY - The school district has designated the Superintendent of Schools or his/her designee, (218) 336-8752, as the authority responsible for personnel data. If you have any questions, contact his/her office.

IX. EMPLOYEE AUTHORIZATION/RELEASE FORM - An employee authorization form is included as an addendum to this policy. See 4171 - 1Legal References:
Minnesota Statute Chapter 13 (Minnesota Government Data Practices Act)
Minnesota Statute 13.02 (Definitions)
Minnesota Statute 13.43 (Personnel Data)
Minnesota Statute 122A.20, Subd. 2 (Mandatory Reporting)

Adopted: 06/19/01 ISD 709
Revised: 07/17/12
08/19/03
08/21/12 ISD 709

4175 CONTRACTED SERVICES AND STIPENDS

The School Board realizes that contracted services are necessary in carrying out the mission of the School District. The School Board further believes that stipends paid for these services must be fair, reasonable, consistent, and non-discriminatory. Therefore, the Board directs the Superintendent of Schools to implement the following for remuneration of contracted services:

1. Rates of Pay or the amount of stipend paid to employees of the School District for services provided outside their regular working hours will be paid at the rate of pay established with the collective bargaining unit or at the hourly rate identified by the Human and Community Resources and Relations Office.
2. When community members or volunteers are paid stipends for participation at meetings where students and teachers of the School District are not present, a stipend of up to \$100 per individual or \$500 per event for all participants combined for a full day (8 hours) with the pre-approval of the administrator responsible for the program budget.
3. Independent contracting for services provided to the School District and stipends must be approved by the School Board.
4. A consultant performing contract for services is defined as a person with the expertise and training to impart knowledge and process for the purpose of educating a group of people.
5. Each month the Business and Finance Office will present a list of contracted services payments to the School Board committee receiving bills, payroll, contracts, and budget.

Adopted: 02-16-1993 ISD 709

Revised: 06-20-1995

08-17-1999 ISD 709

~~4000 — GENERAL HUMAN & COMMUNITY RESOURCES & RELATIONS POLICY~~

~~Personnel employed by the School District constitute the most important resource for effectively conducting a quality learning program. The goals of the School District's program for Human and Community Resources and Relations shall be:~~

- ~~1. To develop and implement those strategies and procedures for personnel recruitment, screening, and selection which will result in employing the best available candidates.~~
- ~~2. To establish conditions which will attract and retain, for all positions, the highest qualified personnel who will devote themselves to the education and welfare of all pupils.~~
- ~~3. To develop general employment strategies consistent with collective bargaining agreements for maximum contribution to the learning process and to utilize them as the primary basis for determining staff assignments.~~
- ~~4. To develop a climate in which optimum staff performance, morale, and satisfaction are produced.~~
- ~~5. To provide guidelines for compensation and benefits as well as other provisions for staff welfare.~~
- ~~6. To develop and utilize personnel evaluation processes which contribute to the improvement of both staff capabilities and the learning program.~~
- ~~7. To propagate a vigorous and planned effort to encourage all employees regardless of race, creed, color, national origin, age, physical impairment, or sex to find vital, satisfying, and productive job fulfillment at all levels of the organization.~~

~~Human and Community Resources and Relations policies shall apply to all employees of the School District and are limited in their application only as collective bargaining agreements may contain provisions differing from the policies.~~

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

~~Revised: 12-11-1979~~

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

~~4005—SCHOOL DISTRICT EMPLOYEES (IDENTIFICATION)~~

~~School District employees are identified as either providing classified services or licensed services.~~

~~Classified employees (secretaries, educational assistants, custodians, engineers, maintenance workers, technical service employees, non-licensed administrators) do not require a teaching or administrative license.~~

~~Licensed employees (superintendent, principals, directors, teachers, nurses, counselors, librarians, other instructional personnel) are those required to hold a current license by the State Department of Education.~~

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

~~Revised: 12-11-1979~~

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

~~4025—STANDARDS OF CONDUCT FOR PERSONNEL~~

~~Public confidence in the integrity and objectivity of all employees is an essential ingredient for the effective operation of the School District. Employees of the School District are entrusted with the welfare, property, security, and safety of the citizens they serve. Therefore, a need exists for standards of conduct applicable to all employees of the School District to ensure that the integrity of the School District is preserved.~~

~~Employees should pursue a course of conduct that does not violate public trust. Each employee should be aware that adherence to high ethical standards is vital to the successful performance of the individual's specific job in the school district. The public must be assured that no conflict exists between private interests and the official duties of employees of the School District.~~

~~The following standards shall apply to all employees of the School District:~~

- ~~1. Employees of the School District shall not accept other employment, temporary/part time, or engage in private enterprises which will impair their independence of judgment in the exercise of School District duties. In evaluating the appropriateness of accepting other employment or operating a business, the employee shall consider the implied as well as a real conflict of interest. If an employee questions the propriety of other employment, he or she should consult his/her superiors for advice.~~
- ~~2. Employees shall not advertise, promote, or attempt to sell any article, investment, insurance, or other financial proposition to any person or business he/she supervises or inspects in the normal course of employment with the School District.~~
- ~~3. Employees shall not accept or agree to accept any compensation, reward, or gift for any service, advice, or assistance on matters related to School District employment with the following exceptions:~~
 - ~~a. employees who accept student teacher placements from teacher preparation institutions may accept an honorarium or stipend from that respective institution and~~
 - ~~b. in the event that a co-curricular or extra-curricular activity cannot take place due to a lack of officials or judges, a coach or advisor of a participating Duluth School District team or group may officiate or judge and be compensated for that service.~~
- ~~4. Employees should endeavor to pursue a course of conduct which will not raise suspicions among the public that they are likely to be engaged in acts that are in violation of the public trust. Each employee should remain conscious that the appearance as well as the reality of high ethical standards is vital.~~

~~5. Employees should not involve themselves in substantial outside employment beyond their normal work day during periods of time when they are not on vacation or leave of absence which would impair their ability to satisfactorily carry out their job-related responsibilities to the School District, impair their ability to provide for the safety of children to which they are in charge, or adversely affect the safety of co-employees.~~

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

~~Revised: 05-10-1977~~

~~12-11-1979~~

~~08-09-1983~~

~~07-19-1994~~

~~06-20-1995~~

~~03-16-1999 ISD 709~~

~~4095—STUDENT TEACHERS~~

~~The Superintendent is authorized to enter into formal agreements with nearby teacher training institutions to place student teachers in the schools and arrange for appropriate contracts to cover the process of placements and honorariums to supervising teachers. A student teacher shall not be assigned to work with a teacher without the consent of the teacher and approval of the principal.~~

~~Only tenured teachers may serve as supervising teachers to student teachers, and only one student teacher may be assigned to a supervising teacher during a school year. Any exceptions to the assignment of student teachers must be authorized by the Superintendent or his/her designee.~~

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

~~Revised: 08-09-1983~~

~~06-20-1995 ISD 709~~

~~4115 PROFESSIONAL LEAVES (WITH PAY)~~

~~Professional leaves, usually a day or two duration, may be granted to individual staff members from the allocation of professional days provided to each school or department at the beginning of each year by the Superintendent or his/her designee. Individual teachers may apply for the use of these professional leave allocation days through their respective supervisors with final approval of the appropriate administrator.~~

~~A maximum of ten (10) days leave may be granted each teacher per school year. Requests for additional leave days will require approval by the Superintendent.~~

~~Adopted: 09-09-1980 ISD-709~~

~~Revised: 06-20-1995~~

~~09-16-1997 ISD-709~~

~~4120—CONTRACTUAL LEAVES (WITHOUT PAY)~~

~~Leaves involving military, child bearing/child rearing, organizational, study, or medical shall be administered in compliance with the collective bargaining agreement of the unit to which the employee is a member.~~

~~Adopted: 09-09-1980 ISD 709~~

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

~~4150 — EMPLOYEES' ORGANIZATIONS~~

~~Employees of the School District are free to join any employee organization to which they are eligible for membership. They also have the right to abstain from membership in any employee organization. The School Board and the school administration shall not try to influence an employee in the selection of an employee organization. When space in school buildings is made available to organizations, such space shall be made available to them equally outside of the normal working hours so as not to reflect any preference for one organization over another. The School Board and the school administration hold the principal of each school responsible for activities which occur within the school. Plans for meetings to be held in any school must be cleared with the principal of the building and a building use permit must be obtained from the central office.~~

~~Employees who are elected officers or appointed representatives of a bargaining unit shall be granted reasonable time off without pay for the purpose of conducting the duties of the exclusive representative. A leave of absence without pay, upon request, shall be granted to elected or appointed officials of the exclusive representative. Such leave shall not be for more than one year, subject to renewal for any additional year with the approval of the School Board.~~

~~Reference: MSA 179.66 subd. 10~~

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

~~Revised: 08-09-1983~~

~~06-20-1995 ISD 709~~

~~4155 PAY FOR SUBSTITUTE TEACHERS AND TEMPORARY CLASSIFIED PERSONNEL~~

~~Recommendations for rates of pay for substitute teachers and classified temporary substitute personnel will be made by the Assistant to the Superintendent for Human and Community Resources and Relations in consultation with the Superintendent and the Director of Business and Finance. After an annual review of the compensation for positions covered by this policy, a recommendation will be made for possible changes to the Budget Committee. The recommendations will be submitted to the School Board for action.~~

~~The rates for individual groups of employees will be reviewed each time the collective bargaining agreement is concluded for the specific group of workers performing same or similar work.~~

~~When determining whether to recommend raising or lowering a rate of pay for a group of substitute or temporary employees, the Assistant to the Superintendent for Human and Community Resources and Relations will be guided by the following factors:~~

- ~~1. The necessity to accomplish the work of the School District in a cost effective manner.~~
- ~~2. The rate of pay for permanent employees of the School District doing similar work.~~
- ~~3. The needs of the specific department or program employing the substitutes.~~
- ~~4. The general rates of pay for casual workers doing similar work in Duluth and the surrounding areas.~~
- ~~5. The general availability of workers who are willing to accept assignment as substitute or temporary employees.~~

~~Current rates of pay for substitute teachers and temporary classified personnel will be on file and available to interested persons in the Human and Community Resources and Relations Office.~~

~~Adopted: 10-17-1984 ISD 709~~

~~Revised: 02-17-1987~~

~~01-16-1989~~

~~11-13-1990~~

~~08-13-1991~~

~~06-20-1995 ISD 709~~

4036R DRUG AND ALCOHOL TESTING (CONT.)

A. General Statement of Policy/Regulation

All persons subject to commercial drivers license requirements shall be tested for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to Part 40 of Title 49 of the Federal Code of Regulations. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.

B. Definitions

1. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the Evidential Breath Testing Device (EBT).
2. "Commercial motor vehicle" (CMV) includes vehicles: designed to transport 16 or more passengers, including the driver; with a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a GVWR of 10,000 pounds; all classes of school busses.
3. "Driver" includes full-time, regularly employed drivers, casual, intermittent or occasional drivers.
4. "Evidential Breath Testing Device" (EBT) means an EBT approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration.
5. "Medical Review Officer" (MRO) means a licensed physician responsible for receiving laboratory results generated by the school districts drug testing program who has knowledge of substance abuse disorders and appropriate medical knowledge and training to interpret and evaluate an individuals positive test result together with that individuals medical history and any other biomedical information.
6. "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 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.
7. "Screening Test Technician" (STT) means anyone meeting the requirements for a BAT who may act as an STT, provided that the individual has demonstrated proficiency in the operation of non-evidential screening devices (approved for use in lieu of EBTs to perform screening tests).
8. "Substance Abuse Professional" (SAP) means a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, or employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse). All must have knowledge of and clinical experience in the diagnosis and treatment of disorders relating to use of alcohol and controlled substances.

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 concerning the effects of alcohol and controlled substances use on an individuals health, work, and personal

life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug 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 affected employee organizations that the information described above is available.
4. The school district shall require each driver to sign a statement certifying that he or she has received a copy of the policy and materials. 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 participants. 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 school bus driver will operate or be in physical control of any class of school bus when there is physical evidence present in the person's body of the consumption of alcohol (MN 169A.31). Any violation of this statute will result in notification of law enforcement.

No truck 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 drivers 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 school bus driver shall perform safety sensitive functions within eight (8) hours after using alcohol. No truck 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 he or she undergoes a post-accident alcohol test, whichever occurs first.
6. 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 as defined in Title 49 CFR part 40, except when the use is pursuant to instructions (which have been presented to the school district) from a physician who has advised the driver that the substance does not adversely affect the drivers ability to safely operate a CMV.
7. Positive 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.
8. General Prohibition. Drivers are also subject to the general policies and procedures of the school district which prohibit the 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 truck 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 24 hours. All drivers removed from safety sensitive functions for this reason will be required to pass a return to duty alcohol test before being returned to the safety sensitive function. The test will be documented in the employees file. A second test of this nature within five years will require a referral to a SAP and the successful completion of the SAP recommendation(s).

G. Prescription Drugs

A driver must inform his or her 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.

H. Testing Requirements.

1. Pre-Employment Testing.

- a. A driver applicant shall undergo testing for controlled substances 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. In order to be hired, the applicant must test negative and must sign an agreement in the form of Attachment A to this policy, authorizing former employers to release to the school district all information on the applicants alcohol tests with results of blood alcohol concentration of 0.04 or greater, or positive results for controlled substances, or refusals to be tested, within the preceding two (2) years.

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 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 requiring an ambulance 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 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 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 hours.
- f. If a post-accident alcohol test is not administered within eight hours following the accident or a post-accident controlled substances test is not administered within 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.

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 and controlled substances at a rate

- defined by federal regulation.
- c. The school district shall adopt a scientifically valid method for selecting drivers for testing.
 - d. Drivers shall proceed immediately to the collection site upon notification of selection.
4. Reasonable Suspicion Testing
- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances 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 on duty or within four (4) hours before coming on duty. 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 hours following a determination of reasonable suspicion. If it is not done within two 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 hours. If an alcohol test is not administered within eight 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 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 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.
6. Follow-Up Testing. When a SAP establishes a written follow up testing plan, 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. Consent to Testing. Each driver and driver applicant tested under this policy will be requested to sign a consent form at the specimen collection site that authorizes the taking of the sample and the release of the results to the proper authority.
8. Right to Refuse and Consequence.
- a. A driver or driver applicant has the right to refuse to undergo drug and alcohol testing.
 - b. Refusal to submit to testing means the employee or applicant (1) fails to provide adequate breath for testing without a valid medical explanation after he or she received notice to report for the test; (2) fails to provide adequate urine for a controlled substances test without a valid medical explanation after he or she has received notice to report for the test; or (3) engages in conduct that clearly obstructs the testing process.
 - c. Refusal to submit to testing will establish a presumption that the driver or driver applicant would test positive if a test were conducted and, therefore, the driver or driver applicant is subject to discipline or disqualification under this policy.
 - d. A driver applicant who refuses to submit to testing shall be disqualified from

- further consideration for the conditionally offered position.
- e. 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. The employee will be evaluated by a SAP and must submit to a return-to-duty test prior to being reassigned to safety-sensitive functions.
 - f. An employee shall be immediately terminated if any of the following are true:
 - An employee tests positive for controlled substances or alcohol or a combination thereof for a second time.
 - An employee is involved in a crash where the employee tests positive for drugs or alcohol.
 - An employee refuses to take part in or fails to successfully complete an education and/or treatment program prescribed by a SAP.

I. Testing Procedures

All specimen collection, analysis, and laboratory procedures shall be conducted in accordance with safeguards set forth in Part 40 of Title 49 of the Federal Code of Regulations.

J. Costs

1. The cost of drug and alcohol collections and tests will be paid by the District.
2. Employees will be paid their normal hourly wage while being tested for drugs and alcohol with the exception of return to duty tests.
3. SAP referrals will be conducted through a SAP professional designated by the District. All expenses including treatment will be the responsibility of the employee and their personal health insurance.

K. Employee admission of alcohol and controlled substance use.

- a. Duluth Public Schools will not take adverse action against an employee who makes a voluntary admission of alcohol misuse and/or controlled substance use under the following conditions:
 1. The employee does not self identify to avoid testing. Admissions must be made before any pending alcohol/controlled substance test or disciplinary action.
 2. The employee makes the admission of alcohol misuse and/or controlled substance use prior to performing a safety sensitive function.
- b. Employees making an admission will be removed from duty without compensation and allowed the appropriate leave to seek evaluation and treatment to establish control over their drug and/or alcohol problem.
- c. Employees will be allowed to return to safety sensitive duties only upon: successful completion of an educational or treatment program as determined by a SAP; undergoing a return to duty test with a result indicating an alcohol concentration of less than 0.02; undergoing a return to duty controlled substance test with a verified negative test result for controlled substance use.
- d. Employees will be subject to random follow up testing under this provision.
- e. Cost for treatment will be the sole responsibility of the employee or their personal health plan.

Attachment B

School District contact(s) for drug and alcohol testing program: Ken Willms
Certified laboratory providing controlled substance testing: Medtox
Medical Review Officer: Dr. Mark Peterson(through Medtox)
Controlled substance collection and alcohol testing provider: Perrin Mobile Medical

Adopted: 05-21-2013 ISD 709

~~4036R DRUG AND ALCOHOL TESTING (CONT.)~~

~~A. General Statement of Policy/Regulation~~

~~All persons subject to commercial drivers license requirements shall be tested for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to Part 40 of Title 49 of the Federal Code of Regulations. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.~~

~~B. Definitions~~

- ~~1. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the Evidential Breath Testing Device (EBT).~~
- ~~2. "Commercial motor vehicle" (CMV) includes vehicles: designed to transport 16 or more passengers, including the driver; with a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a GVWR of 10,000 pounds; all classes of school busses.~~
- ~~3. "Driver" includes full-time, regularly employed drivers, casual, intermittent or occasional drivers.~~
- ~~4. "Evidential Breath Testing Device" (EBT) means an EBT approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration.~~
- ~~5. "Medical Review Officer" (MRO) means a licensed physician responsible for receiving laboratory results generated by the school districts drug testing program who has knowledge of substance abuse disorders and appropriate medical knowledge and training to interpret and evaluate an individuals positive test result together with that individuals medical history and any other biomedical information.~~
- ~~6. "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 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.~~
- ~~7. "Screening Test Technician" (STT) means anyone meeting the requirements for a BAT who may act as an STT, provided that the individual has demonstrated proficiency in the operation of non-evidential screening devices (approved for use in lieu of EBTs to perform screening tests).~~
- ~~8. "Substance Abuse Professional" (SAP) means a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, or employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse). All must have knowledge of and clinical experience in the diagnosis and treatment of disorders relating to use of alcohol and controlled substances.~~

~~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 concerning the effects of alcohol and controlled substances use on an individuals health, work, and personal~~

~~life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug 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 affected employee organizations that the information described above is available.~~
- ~~4. The school district shall require each driver to sign a statement certifying that he or she has received a copy of the policy and materials. 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 participants. 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 school bus driver will operate or be in physical control of any class of school bus when there is physical evidence present in the person's body of the consumption of alcohol (MN 169A.31). Any violation of this statute will result in notification of law enforcement.~~

~~No truck 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 drivers 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 school bus driver shall perform safety sensitive functions within eight (8) hours after using alcohol. No truck 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 he or she undergoes a post accident alcohol test, whichever occurs first.~~
- ~~6. 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 as defined in Title 49 CFR part 40, except when the use is pursuant to instructions (which have been presented to the school district) from a physician who has advised the driver that the substance does not adversely affect the drivers ability to safely operate a CMV.~~
- ~~7. Positive 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.~~
- ~~8. General Prohibition. Drivers are also subject to the general policies and procedures of the school district which prohibit the 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 truck 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 24 hours. All drivers removed from safety sensitive functions for this reason will be required to pass a return to duty alcohol test before being returned to the safety sensitive function. The test will be documented in the employee's file. A second test of this nature within five years will require a referral to a SAP and the successful completion of the SAP recommendation(s).~~

~~G. Prescription Drugs~~

~~A driver must inform his or her 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.~~

~~H. Testing Requirements:~~

~~1. Pre-Employment Testing:~~

- ~~a. A driver applicant shall undergo testing for controlled substances 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. In order to be hired, the applicant must test negative and must sign an agreement in the form of Attachment A to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or greater, or positive results for controlled substances, or refusals to be tested, within the preceding two (2) years.~~

~~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 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 requiring an ambulance 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 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 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 hours.~~
- ~~f. If a post-accident alcohol test is not administered within eight hours following the accident or a post-accident controlled substances test is not administered within 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.~~

~~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 and controlled substances at a rate defined by federal regulation.~~
- ~~c. The school district shall adopt a scientifically valid method for selecting drivers for~~

testing.

- d. ~~Drivers shall proceed immediately to the collection site upon notification of selection.~~

~~4. Reasonable Suspicion Testing~~

- a. ~~The school district shall require a driver to submit to an alcohol test and/or controlled substances 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 on duty or within four (4) hours before coming on duty. 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.~~
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- 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 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 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.~~

~~6. Follow Up Testing. When a SAP establishes a written follow up testing plan, 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. Consent to Testing. Each driver and driver applicant tested under this policy will be requested to sign a consent form at the specimen collection site that authorizes the taking of the sample and the release of the results to the proper authority.~~

~~8. Right to Refuse and Consequence.~~

- a. ~~A driver or driver applicant has the right to refuse to undergo drug and alcohol testing.~~
- b. ~~Refusal to submit to testing means the employee or applicant (1) fails to provide adequate breath for testing without a valid medical explanation after he or she received notice to report for the test; (2) fails to provide adequate urine for a controlled substances test without a valid medical explanation after he or she has received notice to report for the test; or (3) engages in conduct that clearly obstructs the testing process.~~
- c. ~~Refusal to submit to testing will establish a presumption that the driver or driver applicant would test positive if a test were conducted and, therefore, the driver or driver applicant is subject to discipline or disqualification under this policy.~~
- d. ~~A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.~~
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~~disciplinary action, up to and including dismissal. The employee will be evaluated by a SAP and must submit to a return to duty test prior to being reassigned to safety sensitive functions.~~

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- ~~— c. Employees will be allowed to return to safety sensitive duties only upon: successful completion of an educational or treatment program as determined by a SAP; undergoing a return to duty test with a result indicating an alcohol concentration of less than 0.02; undergoing a return to duty controlled substance test with a verified negative test result for controlled substance use.~~
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Attachment B

~~School District contact(s) for drug and alcohol testing program: Ken Willms~~

~~Certified laboratory providing controlled substance testing: Medtox~~

~~Medical Review Officer: Dr. Mark Peterson(through Medtox)~~

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~~Adopted: 05-21-2013 ISD-709~~