

INDEPENDENT SCHOOL DISTRICT #832  
REGULAR MEETING – BOARD OF EDUCATION  
Thursday, June 11, 2015 - 7:00 PM  
Mahtomedi District Education Center - Community Room

**Mission Statement** - Mahtomedi Public Schools will ensure a rigorous and relevant education where: all learners are valued and supported, positive relationships are developed, and students are empowered to reach their full potential in a global society.

**- AGENDA -**

1. CALL TO ORDER
2. ROLL CALL OF ATTENDANCE
3. APPROVAL OF THE AGENDA
4. APPROVAL OF THE CONSENT AGENDA - See #14 for Consent Agenda Items
5. PRESENTATIONS/RECOGNITION
  - A. Student/Staff/Community Recognition
6. PUBLIC COMMENT  
Visitors attending the meeting who wish to address the school board on any issue that is on the agenda may do so at this time. Please refer to the last page for the procedure that has been established for public comments.
7. REPORT FROM STUDENT REPRESENTATIVE  
Presenter: Carter Hill, Student Representative
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Presenter: Mark Larson	
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B. Integration District: Educational Equity Alliance (EEA) Presenter: Mary Jo Deters	
C. Minnesota School Boards Association (MSBA) Legislative Liaison Presenter: Kevin Donovan	
D. Northeast Metro 916 Board Presenter: Judy Schwartz	
E. Other Items/Reports	
<b>12. SUPERINTENDENT'S REPORT</b>	
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A. Approval of Treasurer's Report	262
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D. Approval of Donations/Grants Totaling \$104,000 All donations and grants are greatly appreciated. The use of these funds will be to further the mission of the school district and are used towards the wishes of the donor.	
1. From Cossack Foundation to Mahtomedi Public Schools - \$100,000	
2. From Wildwood Lions to Mahtomedi Area Community Education Adult Senior Program - \$4,000	
E. Approval of Mahtomedi Compensation Plan	
F. Personnel	

**Agenda - June 11, 2015**

1. Approval of Contracts and Work Agreements
  - a. Katherine Freemyer - Early Childhood Special Education Teacher - Wildwood Elementary School (2015-2016)
  - b. Margaret Klabunde - School-Age Child Care Coordinator - Community Education (2015-2016)
  - c. Courtney McCormick - Engineering Coordinator - Mahtomedi High School (2015-2016)
  - d. Kelly Wilke - Chemistry Teacher - Mahtomedi High School (2015-2016)
2. Approval of Leaves of Absence
  - a. Tory Ferrey - Paraprofessional - Mahtomedi High School (2015-2016)
3. Approval of Resignations/Retirements/Terminations
  - a. Courtney Hatcher - Paraprofessional - Mahtomedi High School (6/5/15)
  - b. Jane Martz - Principal's Secretary - O. H. Anderson Elementary School (7/30/15)
  - c. Teresa Rodrique - Paraprofessional - O. H. Anderson Elementary School (6/5/15)
  - d. Rebecca Wilson-Abbott - Early Childhood Special Education Teacher - Wildwood Elementary School (6/5/15)

## **PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS REGULAR SCHOOL BOARD MEETING**

Thank you for coming. The School Board of Independent School District #832 hopes you will find the meeting informative. By attending, you will better understand how your school district operates. The School Board meeting is a meeting "in public," and not a public meeting. In order to conduct its work in a professional and business-like manner, the school board has established the following rules for conducting the meeting:

- Comments and questions on issues are welcome at the scheduled time on the agenda. The school board is prohibited by law from discussing concerns about individual employees or students in a public meeting. Please forward comments or issues regarding individual employees or students to the superintendent at [mark.larson@mahtomedi.k12.mn.us](mailto:mark.larson@mahtomedi.k12.mn.us) or 651-407-2001.
- If you would like to speak to the school board, you will be recognized during the Public Comment portion of the meeting. The public may comment on any item on the agenda. The school board generally does not take action on any issue that is not on the agenda. Concerns or questions are forwarded to the superintendent for review and recommended action before consideration by the school board. Unless requested by a school board member, items on the consent agenda are not discussed by the school board at the meeting.
- The chairperson will ask citizens in attendance to sign in if they wish to address the school board. If you are late and wish to speak, please give your name, address, and agenda number to the clerk when you arrive. Individuals will be recognized in the order received.
- Since we are videotaping tonight's meeting for delayed broadcast, individuals who wish to address the school board or ask questions need to go to the microphone. Please state your name and address after being recognized and limit your comments to three minutes (approximately 450 written words). Everyone wishing to comment will be recognized and heard before anyone speaks twice.

# Minutes of Regular Meeting

## Board of Education Mahtomedi Public Schools

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A **Regular** meeting of the Board of Education of the Mahtomedi Public Schools was held **Thursday, May 14, 2015**, beginning at 7:00 PM in the Mahtomedi District Education Center - Community Room.

### 1. CALL TO ORDER

Meeting called to order at 7:00 p.m. by Acting Chair Lucy Payne.

### 2. ROLL CALL OF ATTENDANCE

Present: Mary Jo Deters; Kevin Donovan; Julie McGraw; Lucy Payne; Superintendent Mark Larson, ex officio; and Carter Hill, Student Representative. Absent: Mike Chevalier and Judy Schwartz.

### 3. APPROVAL OF THE AGENDA

Donovan moved, Deters seconded, approval of the agenda with the addition of 10. D. Approval of revised 2015 school board meeting schedule. Carried.

### 4. APPROVAL OF THE CONSENT AGENDA - See #14 for Consent Agenda Items

Acting School Board Chair Lucy Payne noted the \$2,500 in donations and expressed the school board/district's formal thank you. McGraw moved, Deters seconded, approval of the actions recommended on the consent agenda. Carried.

### 5. PRESENTATIONS/RECOGNITION

#### A. MAEF - Check Presentation

MAEF Gala Chair Darcy Mears presented to the school board a check for \$250,000. This money was raised at the May 2 MAEF Gala.

#### B. Student/Staff/Community Recognition

##### 1. Certificates of Excellence

The following students were recognized by the school board and administration:

Race 2 Reduce Poster Winners: Camryn MacLean and Brynn Nephew  
American Coral Directors Association State Honor Choir: Lauren Anderson, Nina Duffy, Erin Lindberg, Anna Martinson, and Eloise Suoja. Not Present: Amelia Casas and Olivia Boxmeyer.

WriteNow! Award Winners: Brooke Bacchus and Jerome Jacobsen. Not Present: Dylan Gibson, Annie Hoffman, Ella Jordan, and Lincoln Rock  
Real World Design Challenge State Champions: Aaron Swanson, Duncan Charlesworth, Calvin Condo, Jade Geiger, Isaac Legred, and Erick Schminowski

2. Carter Hill - Student Representative

Superintendent Mark Larson presented school board student representative Carter Hill with a bell and thanked Hill for his year of service as student representative.

C. Community Education - Director Cathy Wyland

Dr. Cathy Wyland was introduced as the district's new Director of Community Education. Wyland introduced herself, gave a general overview of community education, described upcoming summer course offerings and events, and thanked those involved with development and completion of Field 6.

D. Gifted & Talented Program

Jen Israel, Gifted and Talented Coordinator, presented on the gifted and talented program and spoke about the following: current ways the district meets the needs of its gifted, creative, and talented students, this year moved from IDEA to GCT MINDS and explained what that meant, shared highlights from this year, and future plans.

6. PUBLIC COMMENT

The following members of the audience spoke to the school board about:

Open Enrollment: Jan Lucke, Sara Nephew, and Stephanie Pfeiffer.

7. REPORT FROM STUDENT REPRESENTATIVE

School Board Student Representative Carter Hill reported on the following events at Mahtomedi High School: Prom, Spirit Week, advanced placement testing, NHS Blood Drive, Bil Gangl 24-hour relay, and upcoming finals week.

8. APPROVAL OF MINUTES

A. April 9, 2015 - Regular Meeting

Donovan moved, McGraw seconded, approval of the minutes from the April 9, 2015, regular school board meeting. Carried.

B. April 23, 2015 - Study Session

Donovan moved, McGraw seconded, approval of the minutes from the April 23, 2015, school board study session. Carried.

9. DISCUSSION/INFORMATION ITEMS

A. Calendar of Events

Acting Chair Lucy Payne reviewed the calendar of events.

B. ADSIS Grant Update

Kim O'Connor, Data & Assessment Coordinator/ADSIIS Coordinator, presented an ADSIS overview. O'Connor spoke about the purpose of ADSIS, shared the Minnesota statute, how identifying at-risk students, showed where ADSIS fits in Tiers I, II, and III, discussed Mahtomedi's history of participation, impact on special education referrals, impact on academic growth, and the 2015-2017 ADSIS application .

C. First Reading of Policies

The Minnesota School Boards Association (MSBA) provided a policy customization service to our district that entailed reviewing all of the current policies and making recommendations to bring the policy manual up-to-date. The policies are now being reviewed by administration and the School Board Policy Committee. Each month sections of the policy manual will be brought to the school board for a first reading, second reading, and then approval.

For the following policies in section 200 (School Board) and section 300 (Administration), Superintendent Mark Larson reviewed new policies recommended by MSBA, changes to current policies, and policies that need no change: 201 - Legal Status of the School Board, 202 - School Board Officers, 203 - Operation of the School Board - Governing Rules, 203.1 - School Board Procedures; Rules of Order, 203.2 - Order of the Regular School Board Meeting, 203.5 - School Board Meeting Agenda, 203.6 - Consent Agendas, 204 - School Board Meeting Minutes, 205 - Open Meetings and Closed Meetings, 206 - Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations, 207 - Public Hearings, 208 - Development, Adoptions, and Implementation of Policies, 209 - Code of Ethics, 210 - Conflict of Interest - School

Board Members, 211 - Criminal or Civil Action Against School District, School Board Member, Employee, or Student, 212 - School Board Member Development, 213 - School Board Committees, 214 - Out-of-State Travel by School Board Members, 298 - Meet and Confer, 299 - Student Representation on School Board, 301 - School District Administration, 302 – Superintendent, 303 - Superintendent Selection, 304 - Superintendent Contract, Duties, and Evaluation, 305 - Policy Implementation, 306 - Administrator Code of Ethics. Policy 706 is also being brought through for a first reading at this time.

D. Second Reading of Policies

The following policies were brought for a second reading: 410 - Family and Medical Leave Policy, 413 - Harassment and Violence, 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse, 415 - Mandated Reporting of Maltreatment of Vulnerable Adults, 506 - Student Discipline, 522 - Student Sex Nondiscrimination, 524 - Technology Acceptable Use and Safety Policy, 616 - School District System Accountability, 806 - Crisis Management Policy, 101 - Legal Status of the School District, 101.1 - Name of the School District, 102 - Equal Educational Opportunity, 103 - Complaints - Students, Employees, Parents, Other Persons. Superintendent Mark Larson reviewed changes that were made at the first reading to policies 506, 524, and 806.

10. ACTION ITEMS

A. Approval of Bid - Mahtomedi High School Roof Replacement

Superintendent Mark Larson recommended approval of the bid form All Elements, Inc. of Monticello Minnesota for the total of \$255,333 for the Mahtomedi High School roof replacement project. Donovan moved, McGraw seconded, approval of bid from All Elements, Inc. Carried.

B. Approval of Policy

Deters moved, McGraw seconded, approval of Policy 515 – Protection and Privacy of Pupil Records. Carried.

C. Personnel

1. Recommendation to Approve Contract Status for Licensed Personnel Moving from Probationary Status to Continuing Contract Status for the 2015-2016 School Year

- a. Gertz, Sarah
- b. McMahan, Megan
- c. Nelson, Jan

- d. Oswald, Matthew
- e. Paquette, Chelsea

Payne moved, Deters seconded approval of contract status for licensed personnel moving from probationary status to continuing contract status for the 2015-2016 school year. Carried.

2. Recommendation to Approve Employment for Licensed Personnel who will continue to be on Probationary Status for the 2015-2016 School Year

- a. Donohoe, David
- b. Giuliani, Lisa
- c. Halsten, Chad
- d. Harlane, Hans
- e. Holmquist, Abigail
- f. Horihan, Beth
- g. Israel, Jennifer
- h. Johnson, Bethany
- i. Kizaur, Daniel
- j. Kubow, Monica
- k. Morgan, Alyssa
- l. Rabcevich, Philip
- m. Rolling, Julie
- n. Sansgaard, Jeff
- o. Stellmach, Maija
- p. Weber, Brittni

Donovan moved, McGraw seconded, approval of employment for licensed personnel who will continue to be on probationary status for the 2015-2016 school year. Carried.

3. Approval of Resolution to Terminate and Nonrenew Probationary Teaching Contracts

- a. Arco, Rebecca

McGraw moved, Deters seconded, approval of Resolution to Terminate and Nonrenew the Probationary Teaching Contract of Rebecca Arco. Carried.

b. Winter, Amy

Donovan moved, Deters seconded, approval of Resolution to Terminate and Nonrenew the Probationary Teaching Contract of Amy Winter. Carried.

4. Approval of Resolution Proposing to Place on Unrequested Leave of Absence

a. Deneen, Morgan

Deters moved, Donovan seconded, approval of Resolution Proposing to Place Morgan Deneen on Unrequested Leave of Absence. Carried.

b. Paulson, Dana

Donovan moved, McGraw seconded, approval of Resolution Proposing to Place Dana Paulson on Unrequested Leave of Absence. Carried.

D. Approval of School Board Meeting Schedule

McGraw moved, Deters seconded, approval to change the Thursday, July 9 school board planning retreat and regular school board meeting to Monday, July 13. The regular school board meeting starts at 4:00 p.m. Carried.

11. SCHOOL BOARD COMMITTEE REPORTS

A. Association of Metropolitan School Districts (AMSD) Board

Superintendent Mark Larson gave an update on the last AMSD meeting and the main topic was the funding formula increase.

B. Integration District: Educational Equity Alliance (EEA)

School Board Director Mary Jo Deters reported that the May 12 EEA meeting was rescheduled to September and gave an update on what has been happening with integration funding and the EEA.

C. Minnesota School Boards Association (MSBA) Legislative Liaison

School Board Treasurer Kevin Donovan reported that MSBA is lobbying for a three percent increase in funding over the next two years.

D. Northeast Metro 916 Board

The 916 Talking Points were included in the packet.

E. Other Items/Reports

School Board Policy Committee – School Board Clerk/Vice Chair Lucy Payne reported on tonight’s Policy Committee meeting where policies in section 400 were reviewed and will be brought to the June 11 school board meeting for a first reading.

Elementary PTO - School Board Clerk/Vice Chair Lucy Payne gave an update on the Elementary PTO meeting that she attended where class sizes, open enrollment, and preparation for the Fun Fair was discussed.

School Board Facilities Committee – School Board Director Mary Jo Deters reported on the April 23 Facilities Committee meeting: hockey arena land donation, Black Box/Broadcast Studio space, transition programming space starting with 16-17, and abatement bonds.

MAEF – School Board Director Julie McGraw gave an update on the May 2 Gala and encouraged school board members to attend an upcoming event where Dale Johnson will be receiving the Stan and Doris Hill award.

12. SUPERINTENDENT'S REPORT

Superintendent Mark Larson reported on the following: Strategic Planning update and have been attending events at the schools.

13. ADJOURNMENT

Donovan moved, McGraw seconded, adjournment. Meeting adjourned at 9:18 p.m.  
Carried

14. CONSENT AGENDA ITEMS (Items Approved Under #4)

A. Approval of Treasurer's Report

B. Approval to Pay Bills

1. Check Register 02 - Check No.387489 to 387783 and 80005987 to 80006108
2. Check Register 05 - Check No. 50000291 to 50000295

C. Approval of Wire Transfer Transactions

D. Approval of Donations/Grants Totaling \$2,500

All donations and grants are greatly appreciated. The use of these funds will be to further the mission of the school district and are used towards the wishes of the donor.

1. From Kramer-Berg American Legion Post 507 to Mahtomedi Area Community Education Adult Senior Program - \$1,500
2. From Jane and Peter Strauman to Mahtomedi High School Drama Program - \$1,000

- E. Approval of Membership in Minnesota State High School League (2015-2016)
- F. Approval of Student Teaching Agreement with Southwest Minnesota State University
- G. Personnel
  - 1. Approval of Contracts and Work Agreements
    - a. David Briggs - Long-Term Sub Vocal Music Teacher - Mahtomedi High School (4/17/15 to 6/5/15)
    - b. Ellen Cole - Counselor - Mahtomedi High School (2015-2016)
    - c. Elizabeth Erlenborn - Media Specialist - O. H. Anderson Elementary School (2015-2016)
    - d. Chad Garrels - Vocal Music Teacher - Mahtomedi High School (2015-2016)
    - e. Laura Harelstad - School Psychologist - O. H. Anderson Elementary School (2015-2016)
    - f. Tiffany Moore - American Sign Language (ASL) / Language Arts Teacher - Mahtomedi High School (2015-2016)
    - g. Dawn Walker - School Psychologist - Wildwood Elementary School (2015-2016)
  - 2. Approval of Leaves of Absence
    - a. Christina Boice-Mallach - School Psychologist - O. H. Anderson Elementary School (2015-2016, .2 FTE LOA)
    - b. Dee Brust - ELL Teacher - O. H. Anderson Elementary School (2015-2016, .7 FTE LOA)
    - c. Stefanie Fiser - Vocal Music Teacher - Mahtomedi High School (4/9/15 to 6/5/15)
    - d. Kimberly O'Connor - Data Assessment Coordinator - District Office (2015-2016)
  - 3. Approval of Resignations/Retirements/Terminations
    - a. John Davis - Paraprofessional - O. H. Anderson Elementary School (5/5/15)
    - b. Maxine Schneider - Phy. Ed. Teacher - Mahtomedi Middle School (6/5/15)

KEVIN DONOVAN, ACTING CLERK

# Minutes of Study Session

## Board of Education Mahtomedi Public Schools

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A **Study Session** of the Board of Education of the Mahtomedi Public Schools was held **Thursday, May 28, 2015**, beginning at 7:00 PM in the Mahtomedi District Education Center - Community Room.

### 1. CALL TO ORDER

Meeting called to order at 7:07 p.m. by Chair Judy Schwartz.

### 2. ROLL CALL OF ATTENDANCE

Present: Mike Chevalier; Mary Jo Deters; Kevin Donovan; Julie McGraw; Lucy Payne; Judy Schwartz; and Superintendent Mark Larson, ex officio.

Also present: Carter Hill and Acadia Hegedus, School Board Student Representatives; Rochel Manders, Director of Business Services; and Lynne Viker, Director of Teaching and Learning and Support Services.

### 3. APPROVAL OF THE AGENDA

Student Representative Carter Hill introduced Acadia Hegedus who will be the school board student representative for the 2015-2016 school year.

Payne moved, Donovan seconded, approval of the agenda with an added agenda item 4. F. Updates which will be given on Strategic Planning, the Black Box/Broadcast Studio Space, and School Trust Lands. Carried.

### 4. DISCUSSION/INFORMATION ITEMS

#### A. Teacher Evaluation and Q-Comp

Rob Pontious, MCP Coordinator, and Nicole Flesner, Human Resources Supervisor, presented on the Mahtomedi Compensation Plan which included information on the following: what the Mahtomedi Compensation Plan is and that it covers members of the Mahtomedi Education Association, survey results, review of the program, no changes were recommended to the program but will move forward with plan to enhance PLCs, vote by full membership. The plan is expected to be approved by the MEA and will be on the June 11 school board meeting agenda for approval.

B. TalentED Perform

Nicole Flesner, Human Resources Supervisor, and Rob Pontious, MCP Coordinator, discussed a new web-based tool that the district will be using called TalentEd Perform for teacher evaluations. This system will help with consistency, work flow, managing the state's requirement for teacher development and evaluation, can be used with the MCP program and Peer Coaches, and will store historical evaluation data. Flesner and Pontious also discussed how TalentEd Perform was chosen as the product to use and benefits it will provide to superintendent, principals, human resources, peer coaches, and teachers.

C. 2015-2016 Preliminary Budget

Rochel Manders, Director of Business Services, discussed the Finance Committee meeting that happened previous to the study session. With the legislature going into special session, Manders was not able to prepare a preliminary budget for this evening. Hopes the education funding bill will be approved in time for the June 11 regular school board meeting but will have some type of preliminary budget to approve either way.

D. 2015-2016 Projected Enrollment Update

Superintendent Mark Larson reviewed and discussed with school board members the updated 2015-2016 projected enrollment numbers and the number of open enrollment applications to approve in June.

E. Policies

Superintendent Mark Larson reviewed the following policies that will be going for a first reading at the June 11 school board meeting: Policy 404 - Employment Background Checks, Policy 416 - Drug and Alcohol Testing, Policy 417 - Chemical Use and Abuse, Policy 421 - Gifts to Employees. Policy 706 - Acceptance of Gifts will be on the June 11 school board meeting agenda for a second reading and language will be added regarding sizeable gifts.

F. Updates:

Strategic Planning Update – Superintendent Mark Larson updated the school board on the two strategic planning meetings that have been held so far where the vision, mission, and belief statements were worked on. The next and final strategic planning meeting will be on goals and objectives, and Larson will update the school board on that meeting at the June 11 school board meeting. A discussion then took place on the proposed vision statement, maybe taking longer in the strategic planning process, discussed what next strategic planning meeting should look like, and what the process will look like moving forward.

Black Box/Broadcast Studio Space – Superintendent Mark Larson informed school board members that the stakeholders have met regarding locating the broadcast studio program in the Black Box Theatre and have also presented to the School Board Facilities Committee. This will be an agenda item at the June 11 regular school board meeting.

School Trust Lands – School Board Treasurer Kevin Donovan referenced an article in the *Star Tribune* where facts were not accurate and gave an update on the facts. Donovan noted that the Commissioner for the School Trust Lands needs to be in place to oversee this and that money is appropriated for this position.

#### 5. ADJOURNMENT

Donovan moved, Payne seconded, adjournment. Carried. Meeting adjourned at 10:05.

LUCY PAYNE, CLERK

## CALENDAR OF EVENTS

<b>JUNE</b>		
<b>DATE/TIME</b>	<b>MEETING/EVENT</b>	<b>LOCATION</b>
<b><u>Thursday, June 11</u></b> 5:30 p.m. 7:00 p.m.	School Board Policy Committee Meeting School Board Meeting	District Education Center – Board Room District Education Center – Community Room
<b><u>Wednesday, June 17</u></b> 4:00 p.m.	Northeast Metro 916 School Board Retreat-( <i>Schwartz</i> )	Bellaire School, White Bear Lake
<b><u>Monday, June 22</u></b> 6:00 p.m.	MAEF Social-( <i>McGraw</i> )	Kristi and Derek Skillings, Stillwater
<b><u>Thursday, June 25</u></b> 5:30 p.m. 7:00 p.m.	School Board Facilities Committee Meeting School Board Study Session	District Education Center – Board Room District Education Center – Room 102/104
<b>JULY</b>		
<b>DATE/TIME</b>	<b>MEETING/EVENT</b>	<b>LOCATION</b>
<b><u>Monday, July 13</u></b> 8:00 a.m.-3:00 p.m. 4:00 p.m.	School Board Planning Retreat School Board Meeting	Century College – Kopp Center Conference Rm. District Education Center – Community Room

**Mahtomedi Public Schools**  
**Independent School District #832**  
**1520 Mahtomedi Avenue**  
**Mahtomedi, MN 55115**

**Regular Meeting - Board of Education**

**Date:** June 11, 2015

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**Agenda Item #9. C.**

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**TOPIC:** First Reading of Policies

- 401-Equal Employment Opportunity
- 402 Disability Nondiscrimination Policy
- 403-Discipline, Suspension and Dismissal of School District Employees
- 404-Employment Background Checks
- 405-Veteran's Preference
- 406-Public and Private Personnel Data
- 407-Employee Right to Know – Exposure to Hazardous Substances
- 408-Subpoena of a School District Employee
- 409-Employee Publications, Instructional Materials, Inventions and Creations
- 412-Expense Reimbursement
- 416-Drug and Alcohol Testing
- 417-Chemical Use and Abuse
- 418-Drug-Free Workplace/Drug-Free School
- 419-Tobacco-Free Environment
- 420-Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions
- 421-Gifts to Employees
- 422-Policies Incorporated by Reference
- 423-Employee-Student Relationships
- 424-License Status
- 427-Workload Limits for Certain Special Education Teachers
- 399-Administrator Performance Appraisal

**BACKGROUND:** The policies listed above have been reviewed by MSBA, district administration, in policy 416 and 417 there was a legal review as well, and then by the Policy Committee. They are presented here for a first reading.

**ACTION RECOMMENDED:** Provide direction for administration on what changes to the policies are required for the second reading on July 13, 2015.

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**Submitted By:**

*Mark Larson*

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**Name**

Superintendent of Schools

**Title**

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**Concurrence By:**

*Mark Larson*

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**Dr. Mark Larson**

**Superintendent of Schools**



*First Reading:* June 11, 2015

*Revised:* 5/8/97

*Adopted:* 5/21/91

## **401 EQUAL EMPLOYMENT OPPORTUNITY**

### **I. PURPOSE**

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

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

- A. The policy of the school district is to provide equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, age, family care leave status, or veteran status. The school district also makes reasonable accommodations for disabled employees.
- B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's policy on harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. It is the responsibility of every school district employee to follow this policy.
- E. Any person having a question regarding this policy should discuss it with the Coordinator of Human Resources.

**Legal References:** Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
 29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)  
 29 U.S.C. § 2615 (Family and Medical Leave Act)  
 38 U.S.C. § 4211 *et seq.* (Employment and Training of Veterans)  
 38 U.S.C. § 4301 *et seq.* (Employment and Reemployment Rights of

Members of the Uniformed Services)  
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)  
42 U.S.C. § 12101 *et seq.* (Equal Opportunity for Individuals with Disabilities)

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



*First Reading:* June 11, 2015

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

*Adopted:* 5/8/97

## **402 DISABILITY NONDISCRIMINATION POLICY**

### **I. PURPOSE**

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

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

- A. The school district shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school district shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact the Coordinator of Human Resources. This individual is the school district's appointed ADA/Section 504 coordinator.

**Legal References:** 29 U.S.C. 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
 42 U.S.C., Ch. 126 § 12112 (Americans with Disabilities Act)  
 29 C.F.R. Part 32  
 34 C.F.R. Part 104

**Cross References:** Policy 521 (Student Disability Nondiscrimination)



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*Adopted:* 5/8/97

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

### **I. PURPOSE**

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

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

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the school district. All employees are required to follow district policies and state and federal statutes. However, language in the contracts of bargaining units supersedes this policy

### **III. DISCIPLINE**

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

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

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

B. Substandard Performance

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

C. Misconduct

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

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

#### IV. FORMS OF DISCIPLINE

A. The forms of discipline that may be imposed by the school district include, but are not limited to:

1. oral warning;
2. written warning or reprimand;
3. probation;
4. disciplinary suspension, demotion or leave of absence with pay;
5. disciplinary suspension, demotion or leave of absence without pay; and

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

## V. PROCEDURES FOR ADMINISTERING POLICY

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

**Legal References:** Minn. Stat. § 122A.40 (Teachers – Employment; Contracts; Termination)  
 Minn. Stat. § 122A.41 (Teacher Tenure)  
 Minn. Stat. § 122A.44 (Contracting with Teachers)  
 Minn. Stat. § 122A.58 (Coaches)  
 Minn. Stat. § 123B.02, Subd. 14 (Employees; Contracts for Services)  
 Minn. Stat. § 123B.143 (Superintendent)  
 Minn. Stat. § 123B.147 (Principals)  
 Minn. Stat. § 197.46 *et seq.* (Veterans Preference Act)

**Cross References:** MSBA Service Manual, Chapter 3, Employees



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*Revised:* 4/11/02; 9/14/00; 2/6/97; 4/11/96

*Adopted:* 6/9/94

## **404 EMPLOYMENT BACKGROUND CHECKS**

### **I. PURPOSE**

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

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

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

### **III. PROCEDURES**

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check.

The school district may conditionally hire an applicant or allow an individual to provide services pending completion of the background check, but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minn. Stat. § 13.87. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school district with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.
- C. The school district, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the state board of teaching or the commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
  - 1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
  - 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
  - 3. the individual executes a written consent form giving the school district access to the results of the criminal background check; and
  - 4. there is no reason to believe that the individual has committed an act subsequent to the criminal background check that would disqualify the individual for employment or provision of services.
- E. For all nonstate residents who are offered employment, the school district shall request a criminal history background check on such individuals from the superintendent of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district. Such individuals must provide an executed criminal history consent

form.

- F. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- G. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- H. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- I. The school district may apply these procedures to other volunteers, independent contractors, or student employees.
- J. Additional background checks may be required at the discretion of the school district.

***Legal References:*** Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Data)  
 Minn. Stat. § 13.87, Subd. 1 (Criminal History Data)  
 Minn. Stat. § 123B.03 (Background Check)  
 Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child Protection Background Check Act)  
 Minn. Stat. § 364.09(b) (Exception for School Districts)



*First Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

## **405 VETERAN'S PREFERENCE**

### **I. PURPOSE**

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

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

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

4. A preference may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.
- D. Eligibility for and application of veteran's preference, the definition of a veteran, and the definition of a disabled veteran for purposes of this policy will be pursuant to the VPA.
  - E. When notifying applicants that they have been accepted into the selection process, the school district shall notify applicants that they may elect to use veteran's preference.
  - F. The school district's policy is to use a 100-point hiring system to enable allocation of veteran's preference points. The school district may or may not use a 100-point hiring system for filling teaching positions. If a 100-point hiring system is not used for filling a teaching position, preference points will not be added, but all veteran applicants who have proper licensure for the teaching position will be granted an interview for the position.
  - G. If the school district rejects a member of the finalist pool who has claimed veteran's preference, the school district shall notify the finalist in writing of the reasons for the rejection and file the notice with the school district's personnel officer.
  - H. In accordance with the VPA, no honorably discharged veteran shall be removed from a position of employment except for incompetency, misconduct, or good faith abolishment of position.
    1. Incompetency or misconduct must be shown after a hearing, upon due notice, upon stated charges, in writing.
    2. A veteran must irrevocably elect to be governed either by the VPA or by arbitration provisions set forth in a collective bargaining agreement in the event of a discharge.
  - I. The VPA and the provisions of this policy do not apply to the position of private secretary, superintendent, head of a department, or any person holding a strictly confidential relation to the school board or school district. The VPA and the provisions of this policy apply to teachers only with respect to the hiring process, as set forth in Paragraph F., above.

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

**Cross References:** Policy 401 (Equal Employment Opportunity)



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

*Adopted:* 5/8/97

## **406 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 and ending work hours, place of employment, location of parking space, and work telephone number.
- E. “Personnel data” means government data on individuals maintained because they are or were employees of the school district, applicants for employment, or volunteers or independent contractors for the school district, or members of or applicants for an advisory board or commission.
- F. “Finalist” means an individual who is selected to be interviewed for a position.

- G. “Protected health information” means individually identifiable health information transmitted in electronic form by a school district acting as a health care provider. “Protected health information” excludes health information in education records covered by FERPA and employment records held by a school district in its role as employer.
- H. “Public official” means business manager, human resource director, and an individual defined as superintendent, principal, or director who is employed in a position requiring an administrative license.

#### IV. PUBLIC PERSONNEL DATA

- A. The following information on employees, including volunteers and independent contractors, is public:
1. name;
  2. employee identification number, which may not be the employee’s social security number;
  3. actual gross salary;
  4. salary range;
  5. terms and conditions of employment relationship;
  6. contract fees;
  7. actual gross pension;
  8. the value and nature of employer-paid fringe benefits;
  9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
  10. job title;
  11. bargaining unit;
  12. job description;
  13. education and training background;
  14. previous work experience;
  15. date of first and last employment;
  16. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
  17. the final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district;
  18. the complete terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
  19. work location;
  20. work telephone number;

21. badge number;
  22. work-related continuing education;
  23. honors and awards received; and
  24. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.
- B. The following information on applicants for employment is public:
1. veteran status;
  2. relevant test scores;
  3. rank on eligible list;
  4. job history;
  5. education and training; and
  6. work availability.
- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
- D. Applicants for appointment to a public body.
1. Data about applicants for appointment to a public body are private data on individuals except that the following are public:
    - a. name;
    - b. city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
    - c. education and training;
    - d. employment history;
    - e. volunteer work;
    - f. awards and honors;
    - g. prior government service;
    - h. any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minn. Stat. § 15.0597; and
    - i. veteran status.
  2. Once an individual is appointed to a public body, the following additional items of data are public:
    - a. residential address;
    - b. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
    - c. first and last dates of service on the public body;
    - d. the existence and status of any complaints or charges against an appointee; and

- e. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.
3. Notwithstanding paragraph 2., any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.
- E. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 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.
  - F. Data relating to a complaint or charge against a public official is public only if: (1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or (2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement with another person. Data that is classified as private under another law is not made public by this provision.

## **V. PRIVATE PERSONNEL DATA**

- A. All other personnel data are private and will only be shared with school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.
- B. Data pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected or maintained by the school district to administer employee assistance programs are private.
- D. Parking space leasing data are private.
- E. 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 ordered or authorized by the Commissioner of the Bureau of Mediation Services.
- F. 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.
- G. 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 Minn. Stat. § 253B.07, Subd. 1; or
  3. A court, law enforcement agency, or prosecuting authority.
- H. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- I. 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.
- J. When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if the school district determines that the employee's access to that data would:
1. threaten the personal safety of the complainant or a witness; or
  2. subject the complainant or witness to harassment.
- If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.
- K. The school district shall make any report to the board of teaching or the state board of education as required by Minn. Stat. § 122A.20, Subd. 2, and 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, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.
- L. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the unemployment insurance program under Minn. Stat. Ch. 268.
- M. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report.

- N. The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data.
- O. The identity of an employee making a suggestion as part of an organized self-evaluation effort by the school district to cut costs, make the school district more efficient, or to improve school district operations is private.
- P. Health information on employees is private unless otherwise provided by law. To the extent that the school district transmits protected health information, the school district will comply with all privacy requirements.
- Q. Personal home contact information for employees may be used by the school district and shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.
- R. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.

## **VI. MULTIPLE CLASSIFICATIONS**

If data on individuals are classified as both private and confidential by Minn. Stat. Ch. 13, or any other state or federal law, the data are private.

## **VII. CHANGE IN CLASSIFICATIONS**

The school district shall change the classification of data in its possession if it is required to do so to comply with 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 Human Resources Supervisor as the authority responsible for personnel data. If you have any questions, contact the Human Resources Supervisor at (651) 407-2000.

***Legal References:*** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.02 (Definitions)  
Minn. Stat. § 13.37 (General Nonpublic Data)  
Minn. Stat. § 13.39 (Civil Investigation Data)  
Minn. Stat. § 13.43 (Personnel Data)  
Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)  
P.L. 104-191 (HIPAA)  
45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

***Cross References:*** Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
Policy 515 (Protection and Privacy of Pupil Records)  
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records – Privacy – Access to Data)



*First Reading:* June 11, 2015

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

*Adopted:* 5/8/97

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

### **I. PURPOSE**

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

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

It is the policy of this school district to provide information and training to employees who may be routinely exposed to a hazardous substance, harmful physical agent, or infectious agent.

### **III. DEFINITIONS**

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

or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

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

#### **IV. TARGET JOB CATEGORIES**

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

#### **V. TRAINING SCHEDULE**

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

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

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

***Cross References:*** Policy 420 (Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)



*First Reading:* June 11, 2015

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

*Adopted:* 5/8/97

## **408 SUBPOENA OF A SCHOOL DISTRICT EMPLOYEE**

### **I. PURPOSE**

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

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

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

### **III. DATA CLASSIFICATION**

#### **A. Educational Data**

##### **1. State Law**

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

##### **2. Federal Law**

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

B. Personnel Data

The MGDPA, Minn. Stat. Ch. 13, also classifies all personnel data, except for certain data specifically classified as public, as private data on individuals. The state statute provides that private data on individuals may not be released, except pursuant to a valid court order or informed consent by the subject of the data.

**IV. APPLICATION AND PROCEDURES**

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

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

**Cross References:** Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
 Policy 515 (Protection and Privacy of Pupil Records)  
 MSBA Service Manual, Chapter 13, School Law Bulletin “T” (School Records – Privacy – Access to Data)



*First Reading:* June 11, 2015

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

*Adopted:* 5/8/97

## **409 EMPLOYEE PUBLICATIONS, INSTRUCTIONAL MATERIALS, INVENTIONS, AND CREATIONS**

### **I. PURPOSE**

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

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

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

### **III. NOTICE OF POLICY**

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

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



*First Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

## **412 EXPENSE REIMBURSEMENT**

### **I. PURPOSE**

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

### **II. AUTHORIZATION**

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

### **III. REIMBURSEMENT**

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

### **IV. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES**

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

- Legal References:** Minn. Stat. § 15.435 (Airline Travel Credit)  
Minn. Stat. § 471.665 (Mileage Allowances)  
Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)  
Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)  
Minn. Op. Atty. Gen. 161B-12 (Jan. 24, 1989) (Operating Expenses of Car)
- Cross References:** Policy 214 (Out-of-State Travel by School Board Members).



*First Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

## **416 DRUG AND ALCOHOL TESTING**

### **I. PURPOSE**

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

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

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.
- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs which are not medically

prescribed is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs which are not medically prescribed are prohibited from entering or remaining on school district property.

- D. The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.
- E. Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.

### **III. DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES**

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

#### **A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:**

##### **1. General Limitations**

- a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory which participates in one of the programs listed in Minn. Stat. § 181.953, Subd. 1.
- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing on an arbitrary and capricious basis.

##### **2. Job Applicant Testing**

The school district may request or require any job applicant whose position

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

3. Random Testing

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

4. Reasonable Suspicion Testing

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

- a. is under the influence of drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minn. Stat. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

5. Treatment Program Testing

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

6. Routine Physical Examination Testing

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

B. No Legal Duty to Test

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

C. Definitions

1. "Drug" means a controlled substance as defined in Minnesota Statutes.
2. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
3. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section III. of this policy and the drivers shall fall within this definition of "other employees."
4. "Job applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing.
5. "Positive test result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. § 181.953, Subd. 1.
6. "Random selection basis" means a mechanism for selection of employees that:

- a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
- b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.

7. “Reasonable suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
8. “Safety-sensitive position” means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

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

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

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

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver’s license to undergo drug or alcohol testing, the

school district shall provide the employee or job applicant with a Pretest Notice on which to acknowledge that the employee or job applicant has received the school district's drug and alcohol testing policy.

2. Notice of Test Results

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

3. Notice of and Right to Test Result Report

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

4. Notice of and Right to Explain Positive Test Result

a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide him or her with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information.

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

c. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide him or her with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.

b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a

positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

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

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

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.
3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and

- b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon or after hire.
6. An employee must be given access to information in his or her personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

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

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

H. Chain-of-Custody Procedures

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

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;
2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;

3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

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

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

Notwithstanding Paragraphs 1. and 2., evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minn. Stat. Ch. 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

4. Privilege

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

J. Notice of Testing Policy to Affected Employees

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

employees and applicants will acknowledge receipt of this written notice in the form of Attachment G to this policy.

#### **IV. POSTING**

This policy shall be posted on the school district's website.

***Legal References:*** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 43A (State Personnel Management)  
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)  
Minn. Stat. § 221.031 (Motor Carrier Rules)  
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)  
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)  
49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

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



*First Reading:* June 11, 2015

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

*Adopted:* 10/8/09

## **417 CHEMICAL USE AND ABUSE**

### **I. PURPOSE**

The school board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The school board believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school district in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

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

- A. Use of controlled substances, toxic substances, and alcohol is prohibited in the school setting in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. The policy of this school district is to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.
- C. The school district shall establish and maintain in every school a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. The superintendent, with the advice of the school board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in the district.
- E. The school district shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

### III. DEFINITIONS

- A. “Chemical abuse” means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student’s normal function in academic, school, or social activities is chronically impaired.
- B. “Chemicals” includes but is not limited to alcohol, toxic substances, and controlled substances as defined in the school district’s Drug-Free Workplace/Drug-Free School policy.
- C. “Use” includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.
- D. “School location” includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

### IV. STUDENTS

- A. Instruction
  - 1. Every school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
  - 2. Each school shall have age-appropriate and developmentally based activities that:
    - a. address the consequences of violence and the illegal use of drugs, as appropriate;
    - b. promote a sense of individual responsibility;
    - c. teach students that most people do not illegally use drugs;
    - d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
    - e. teach students about the dangers of emerging drugs;
    - f. engage students in the learning process; and
    - g. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.

3. Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.
4. Each school shall disseminate drug and violence prevention information within the school and to the community.
5. Each school shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
6. Each school shall have drug and violence prevention activities that may include the following:
  - a. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
  - b. The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.
  - c. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
  - d. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
  - e. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

B. Reports of Chemical Use and Abuse

1. In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals in a school location:

- a. The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.
  - b. The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
  - c. The administrator will notify law enforcement officials, the student's counselor, and the chemical preassessment team.
  - d. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with school board policies regarding search and seizure.
  - e. The school district will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.
2. If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:
- a. The employee shall notify the building administrator or a member of the preassessment team and shall describe the basis for the suspicion. The building administrator and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
  - b. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
3. Students involved in the abuse, possession, transfer, distribution or sale of chemicals shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. §121A.40-121A.56, and proposed for expulsion.

4. Searches by school district officials in connection with the abuse, possession, transfer, distribution or sale of chemicals will be conducted in accordance with school board policies related to search and seizure.

C. Preassessment Team

1. Every school shall have a chemical abuse preassessment team designated by the superintendent or designee. The team will be composed of classroom teachers, administrators, and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

D. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.

2. Destruction of Records

- a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
- b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with such information, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
- c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

E. Consent

Any minor may give effective consent for medical, mental and other health services

to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

## V. EMPLOYEES

- A. The superintendent or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students and others about:
1. The dangers and health risks of chemical abuse in the workplace/school.
  2. The school district's drug-free workplace/drug-free school policy.
  3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees and/or students.
  4. The penalties that may be imposed on employees for drug abuse violations.
- B. The superintendent or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the superintendent.

**Legal References:** Minn. Stat. § 13.32 (Educational Data)  
 Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)  
 Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
 Minn. Stat. § 138.163 (Records Management Act)  
 Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)  
 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
 20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)  
 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
 34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

**Cross References:** Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 Policy 416 (Drug and Alcohol Testing)  
 Policy 418 (Drug-Free Workplace/Drug Free School)  
 Policy 506 (Student Discipline)  
 Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
 Policy 515 (Protection and Privacy of Pupil Records)  
 Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)



*First Reading:* June 11, 2015

*Revised:* 5/8/97

*Adopted:* 12/13/90

## **418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL**

### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician's prescription.

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

- A. Use of controlled substances, toxic substances, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses alcohol, toxic substances, or controlled substances in any school location.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

### **III. DEFINITIONS**

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.
- C. "Toxic substances" includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.

- D. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- E. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- F. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

#### **IV. EXCEPTIONS**

- A. A violation of this policy does not occur when a person brings onto a school location, for such person’s own use, a controlled substance which has a currently accepted medical use in treatment in the United States and the person has a physician’s prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

#### **V. PROCEDURES**

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the school district’s student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to the school district’s drug and alcohol testing policies and procedures.

- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.
- F. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

## VI. ENFORCEMENT

### A. Students

1. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.
2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.

### B. Employees

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public

A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.

**VII. DISSEMINATION OF POLICY**

- A. This policy shall be summarized and referenced in the student handbook.
- B. The school district will develop a method of discussing this policy with students and employees.

**Legal References:** Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)  
 Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)  
 Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)  
 Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)  
 Minn. Stat. § 624.701 (Liquor in Certain Buildings or Grounds)  
 20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)  
 21 U.S.C. § 812 (Schedules of Controlled Substances)  
 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
 21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)  
 34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

**Cross References:** Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 Policy 416 (Drug and Alcohol Testing)  
 Policy 417 (Chemical Use and Abuse)  
 Policy 506 (Student Discipline)  
 Policy 516 (Student Medication)



*First Reading:* June 11, 2015

*Revised:* 5/8/97

*Adopted:* 8/1/88

## **419 TOBACCO-FREE ENVIRONMENT**

### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is tobacco free.

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

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, or person smokes or uses tobacco, tobacco-related devices, or electronic cigarettes in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related device, or electronic cigarette in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.
- D. The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, devices, or electronic cigarettes. The school district will not promote or allow promotion of tobacco products or e-cigarettes on school property or at school-sponsored events.

**III. TOBACCO AND TOBACCO-RELATED DEVICES DEFINED**

- A. “Electronic cigarette” means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under another product name or descriptor.
- B. “Tobacco” means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.
- C. “Tobacco-related devices” means cigarette papers or pipes for smoking.
- D. “Smoking” means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

**IV. EXCEPTIONS**

- A. A violation of this policy does not occur when an Indian adult lights tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

**V. ENFORCEMENT**

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with

requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.

- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

## **VI. DISSEMINATION OF POLICY**

- A. This policy shall be summarized and referenced in the student handbook.
- B. The school district will develop a method of discussing this policy with students and employees.

**Legal References:** Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)  
 Minn. Stat. § 609.685 (Sale of Tobacco to Children)  
 2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

**Cross References:** Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 Policy 506 (Student Discipline)  
 MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior



*First Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

**420 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS**

**I. PURPOSE**

Public concern that students and staff of the school district be able to attend the schools of the district without becoming infected with serious communicable or infectious diseases, including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the school board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

**II. GENERAL STATEMENT OF POLICY**

A. Students

It is the policy of the school board that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school district. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school district in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees

It is the policy of the school board that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally, and emotionally able to safely perform tasks assigned to them

and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school district.

C. Circumstances and Conditions

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

D. Students with Special Circumstances and Conditions

The school nurse, along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular and non-educational programs of the school district are subject to a requirement of equal access and comparable services.

F. Precautions

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.)

G. Information Sharing

1. Employee and student health information shall be shared within the school district only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee and student health data shall be shared outside the school district only in accordance with state and federal law and with the school district's policies on employee and student records and data.

H. Reporting

If a medical condition of student or staff threatens public health, it must be reported to the Commissioner of Health.

I. Prevention

The school district shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 which includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parents and other community members;
6. in-service training for district staff and school board members;

7. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and
9. participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.
11. The school district may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.

J. Vaccination and Screening

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

**Legal References:** Minn. Stat. § 121A.23 (Health-Related Programs)  
 Minn. Stat. § 144.441-442 (Tuberculosis)  
 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
 20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
 29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
 42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)  
*Kohl by Kohl v. Woodhaven Learning Center*, 865 F.2d 930 (8<sup>th</sup> Cir.), *cert. denied*, 493 U.S. 892, 110 S.Ct. 239 (1989)  
*School Board of Nassau County, Fla. v. Arline*, 480 U.S. 273, 107 S.Ct. 1123 (1987)  
 16 EHLR 712, OCR Staff Memo, April 5, 1990

**Cross References:** Policy 402 (Disability Nondiscrimination)  
 Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)  
 Mahtomedi School Board Policy 521 (Student Disability Nondiscrimination)



*First Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

## **421 GIFTS TO EMPLOYEES**

### **I. PURPOSE**

The purpose of this policy is to avoid the appearance of impropriety or the appearance of a conflict of interest with respect to gifts given to school district employees.

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

- A. The school district recognizes that students, parents, and others may wish to show appreciation to school district employees. It is the policy of the school district, however, to discourage gift-giving to employees, and to encourage donors instead to write letters and notes of appreciation or to give small tokens of gratitude as memorabilia.
- B. It shall be a violation of this policy for any employee to solicit, accept, or receive either by direct or indirect means, a gift from a student, parent, or other individual or organization for personal gain of insignificant value. The superintendent has discretion to determine what value is “insignificant.”
- C. It shall be a violation of this policy for any employee to solicit, accept, or receive a gift from a person or entity doing business with or seeking to do business with the school district for personal gain. Employees may accept items of insignificant value of a promotional or public relations nature. The superintendent has discretion to determine what value is “insignificant.”
- D. Teachers may accept from publishers free samples of textbooks and related teaching materials.
- E. This policy applies only to gifts given to employees where the donor’s relationship with the employee arises out of the employee’s employment with the school district. It does not apply to gifts given to employees by personal friends, family members, other employees, or others unconnected to the employee’s employment with the school district.

### **III. DEFINITION**

“Gift” means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given without something of equal or greater value being received in return.

### **IV. PROCEDURES**

Any employee considering the acceptance of a gift shall confer with the administration for guidance related to the interpretation and application of this policy.

### **V. VIOLATIONS**

Employees who violate the provisions of this policy may be subject to discipline, which may include reprimand, suspension, and/or termination or discharge.

***Legal References:*** Minn. Stat. § 10A.07 (Conflicts of Interest)  
Minn. Stat. § 10A.071 (Prohibition of Gifts)  
Minn. Stat. § 15.43 (Acceptance of Advantage by State Employee; Penalty)  
Minn. Stat. § 471.895 (Certain Gifts by Interested Persons Prohibited)

***Cross References:*** Policy 209 (Code of Ethics)  
Policy 210 (Conflict of Interest – School Board Members)  
Policy 306 (Administrator Code of Ethics)



*First Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

## **422 POLICIES INCORPORATED BY REFERENCE**

### **I. PURPOSE**

Certain policies, as contained in this policy reference manual, are applicable to employees as well as to students. In order to avoid undue duplication, the school district provides notice by this section of the application and incorporation by reference of the following policies which also apply to employees:

Policy 102	Equal Educational Opportunity
Policy 103	Complaints – Students, Employees, Parents, Other Persons
Policy 206	Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations
Policy 211	Criminal or Civil Action Against School District, School Board Member, Employee, or Student
Policy 305	Policy Implementation
Policy 505	Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees
Policy 507	Corporal Punishment
Policy 510	Student Activities
Policy 511	Student Fundraising
Policy 517	Student Recruiting
Policy 518	DNR-DNI Orders
Policy 519	Interviews of Students by Outside Agencies
Policy 524	Internet Acceptable Use and Safety Policy
Policy 525	Violence Prevention
Policy 610	Field Trips
Policy 710	Extracurricular Transportation
Policy 711	Video Recording on School Buses
Policy 712	Video Surveillance Other Than on Buses
Policy 802	Disposition of Obsolete Equipment and Material

Employees are charged with notice that the above cited policies are also applicable to employees; however, employees are also on notice that the provisions of the various policies speak for themselves and may be applicable although not specifically listed above.



*First Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

## **423 EMPLOYEE-STUDENT RELATIONSHIPS**

### **I. PURPOSE**

The school district is committed to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct.

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

- A. This policy applies to all school district employees at all times, whether on or off duty and on or off of school district locations.
- B. At all times, students will be treated by teachers and other school district employees with respect, courtesy, and consideration and in a professional manner. Each school district employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must be and remain on a teacher-student basis or an employee-student basis.
- C. Teachers and other school district employees hold positions of authority over students of the school district and must be mindful of their authority and influence over students.
- D. Sexual relationships between school district employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.
- E. Other actions that violate this policy include, but are not limited to, the following:
  - 1. Dating students.
  - 2. Having any interaction/activity of a sexual nature with a student.
  - 3. Committing or attempting to induce students or others to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the school district.

4. Supplying alcohol or any illegal substance to a student, allowing a student access to such substances, or failing to take reasonable steps to prevent such access from occurring.
- F. School district employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships. Such safeguards may include the following: avoiding or minimizing physical contact; keeping doors open when talking or meeting with students one-on-one; and/or making sure that meetings with a student take place in rooms with windows and/or others nearby.
  - G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, is inappropriate and may result in disciplinary action.
  - H. Excessive interaction with individual students via social media is unprofessional, not compatible with employee-student relationships, is inappropriate, and may result in disciplinary action.
  - I. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

### **III. REPORTING AND INVESTIGATION**

- A. Complaints and/or concerns regarding alleged violations of this policy shall be handled in accordance with Mahtomedi School Board Policy 103 (Complaints – Students, Employees, Parents, Other Persons) unless other specific complaint procedures are provided within any other policy of the school district.
- B. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

### **IV. SCHOOL DISTRICT ACTION**

Upon receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. It also may include reporting to appropriate state or federal authorities, including the Board of Teaching or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.

### **V. SCOPE OF LIABILITY**

Employees are placed on notice that if an employee acts outside the performance of the duties of the position for which the employee is employed or is guilty of malfeasance, willful neglect of duty, or bad faith, the school district is not required to defend and

indemnify the employee for damages in school-related litigation.

***Legal References:*** Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)  
 Minn. Stat. § 122A.20, Subd 2 (Mandatory Reporting to Minnesota Board of Teaching)  
 Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (Mandatory immediate discharge of teachers with license revocations due to child or sex abuse convictions)  
 Minn. Stat. §§ 609.341-609.352 (Defining “intimate parts” and “position of authority” as well as detailing various sex offenses)  
 Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
 Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
 Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)  
 Minn. Rules Part 8700.7500 (Code of Ethics for Minnesota Teachers)

***Cross References:*** Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
 Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
 Policy 306 (Administrator Code of Ethics)  
 Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 Policy 413 (Harassment and Violence)  
 Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
 Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
 Policy 421 (Gifts to Employees)  
 Policy 507 (Corporal Punishment)



*First Reading: June 11, 2015*

*Adopted: \_\_\_\_\_*

## **424 LICENSE STATUS**

### **I. PURPOSE**

The purpose of this policy is to ensure that qualified teachers are employed by the school district and to fulfill its duty to ascertain the licensure status of its teachers. A school board that employs a teacher who does not hold a valid teaching license or permit places itself at risk for a reduction in state aid. This policy does not negate a teacher's duty and responsibility to maintain a current and valid teaching license.

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

- A. A qualified teacher is one holding a valid license to perform the particular service for which the teacher is employed by the school district.
- B. No person shall be a qualified teacher until the school district verifies through the Minnesota education licensing system available on the Minnesota Department of Education website that the person is a qualified teacher consistent with state law.
- C. The school district has a duty to ascertain the licensure status of its teachers and ensure that the school district's teacher license files are up to date. The school district shall establish a procedure for annually reviewing its teacher license files to verify that every teacher's license is current and appropriate to the particular service for which the teacher is employed by the school district.

### **III. PROCEDURE**

- A. The human resources supervisor shall establish a schedule for the annual review of teacher licenses.
- B. Where it is discovered that a teacher's license will expire within one year from the date of the annual review, the superintendent or the superintendent's designee will advise the teacher in writing of the approaching expiration and that the teacher must complete the renewal process and file the license with the superintendent prior to the expiration of the current license. However, failure to provide this notice does not relieve a teacher from his/her duty and responsibility of ensuring that his/her teaching license is valid, current and appropriate to his/her teaching assignment.

- C. If it is discovered that a teacher's license has expired, the superintendent will immediately investigate the circumstances surrounding the lack of license and will take appropriate action. The teacher shall be advised that the teacher's failure to have the license reinstated will constitute gross insubordination, inefficiency and willful neglect of duty which are grounds for immediate discharge from employment.
- D. The duty and responsibility of maintaining a current and valid teaching license appropriate to the teaching assignment as required by this policy shall remain with the teacher, notwithstanding the superintendent's failure to discover a lapsed license or license that does not support the teaching assignment. A teacher's failure to comply with this policy may be grounds for the teacher's immediate discharge from employment.

**Legal References:** Minn. Stat. § 122A.16 (Highly Qualified Teacher Defined)  
 Minn. Stat. § 122A.22 (District Verification of Teacher Licenses)  
 Minn. Stat. § 122A.40, Subd. 13 (Employment; Contracts; Termination – Immediate Discharge)  
 Minn. Stat. § 127A.42 (Reduction of Aid for Violation of Law)  
*Vettleson v. Special Sch. Dist. No. 1*, 361 N.W.2d 425 (Minn. App. 1985)  
*Lucio v. School Bd. of Independent Sch. Dist. No. 625*, 574 N.W.2d 737 (Minn. App. 1998)  
*In the Matter of the Proposed Discharge of John R. Statz* (Christine D. VerPloeg), June 8, 1992, *affirmed*, 1993 WL 129639 (Minn. App. 1993)



*First Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

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

### **I. PURPOSE**

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

### **II. DEFINITIONS**

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

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

#### **B. Direct Services**

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

#### **C. Indirect Services**

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

#### **D. Workload**

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

**III. GENERAL STATEMENT OF POLICY**

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

**IV. COLLECTIVE BARGAINING AGREEMENT UNAFFECTED**

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

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

***Cross References:*** MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)  
 MSBA/MASA Model Policy 608 (Instructional Services – Special Education)



*First Reading:* June 11, 2015

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

*Adopted:* 1/3/83

### **399 ADMINISTRATOR PERFORMANCE APPRAISAL**

#### **I. PHILOSOPHY**

The school board recognizes the importance of personnel evaluation for the improvement of professional services rendered by school administrators in the school district. The administrator evaluation process should stimulate professional growth and improvement, thus encouraging more effective performance on the part of the individual. Performance appraisal is not a separate and distinct function from the overall system of management, but an important part of the process of managing. An effective evaluation system discriminates strengths and weaknesses of individual role incumbents, determines job/performance responsibilities, and improves supervision. Participative planning is essential to the process wherein both appraisee and appraiser cooperate in determining performance priorities and derive benefit from their accomplishment.

#### **II. PURPOSE**

The purpose of the evaluation process is to assist the administrator in achieving exemplary standards with regard to assigned responsibilities and providing effective leadership to the educational program of the school district. The evaluation documents provide a means of assessing effectiveness and professional behaviors. The instruments and procedures should be viewed as aids in carrying out a continuous program of professional improvement. They serve as valuable guides in assessing professional strengths, as well as for the purpose of improving professional growth. Specifically, administrator performance appraisal is intended to:

- A. Describe clearly the duties and responsibilities of each administrator.
- B. Establish mutually identified standards of performance for specific administrative positions.
- C. Identify both areas of strength and weakness in the administrator's performance.
- D. Improve communication between the administrator and his/her supervisor.

- E. Provide the means by which improvement needs can be met.
- F. Foster a high trust level between the administrator and his/her supervisor.
- G. Enable the School Board to hold administration accountable for implementing its policies and responding to its priorities.
- H. Make evaluation relevant to on-going job performance.
- I. Identify effective administrative performance in order to better serve the instructional and program needs of students.

### **III. PROCEDURE**

The superintendent shall plan and implement an administrative performance appraisal system in cooperation with the school district's administrative staff. Performance evaluation should be based upon major areas of responsibility outlined in the description for each position, specific job goals for a given year, and commonly accepted characteristics of general administrative performance. The opportunity for self-appraisal and assessment of performance of supervisees of the administrator should be included when deemed desirable. Periodic supervisory conferences should be incorporated within the system and appropriate instruments developed to document the process. Evaluation reports shall be placed on file in accordance with statute and recommended personnel procedures.

**Mahtomedi Public Schools**  
**Independent School District #832**  
**1520 Mahtomedi Avenue**  
**Mahtomedi, MN 55115**

**Regular Meeting - Board of Education**

**Date:** June 11, 2015

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**Agenda Item #9. D.**

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**TOPIC:** Second Reading of Policies

- 201-Legal Status of the School Board—unchanged
- 202-School Board Officers—unchanged
- 203-Operation of the School Board-Governing Rules—unchanged
- 203.1-School Board Procedures; Rules of Order—unchanged
- 203.2-Order of the Regular School Board Meeting—unchanged
- 203.5-School Board Meeting Agenda—unchanged
- 203.6-Consent Agendas—unchanged
- 204-School Board Meeting Minutes—minor change: clarified that in the publication of official proceedings that a listing of how each member voted is only included on roll call votes.
- 205-Open Meetings and Closed Meetings—unchanged
- 206-Public Participation in School board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations—unchanged
- 207-Public Hearings—unchanged
- 208-Development, Adoptions, and Implementation of Policies—unchanged
- 209-Code of ethics—unchanged
- 210-Conflict of Interest-School Board Members—unchanged
- 211-Criminal or Civil Action Against School District, School Board Member, Employee, or Student—unchanged
- 212-School Board Member Development—unchanged
- 213-School Board Committees—unchanged
- 214-Out-of-State Travel by School Board Members—unchanged
- 298-Meet and Confer—unchanged
- 299-Student Representation on School Board—unchanged
- 301-School District Administration—unchanged
- 302-Superintendent—unchanged
- 303-Superintendent Selection—unchanged
- 304-Superintendent Contract, Duties, and Evaluation—unchanged
- 305-Policy Implementation—unchanged
- 306-Administrator Code of Ethics—unchanged
- 706-Acceptance of Gifts—change: added a paragraph in III which says, “For substantial gifts (monetary or impactful), the superintendent shall be responsible for providing more detailed procedures when deemed necessary including administrator, teacher, and community involvement, early and on-going communication to the board, and other aspects deemed important and in the best interest of the district.”

**BACKGROUND:** The policies listed above have been reviewed by the MSBA, administration, the Policy Committee, and the full School Board at a first reading. The changes, if any, from the first reading are listed next to the policy.

**ACTION RECOMMENDED:** Provide direction for administration on what changes to the policies are required before adopting on July 13, 2015.

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**Submitted By:**

*Mark Larson*

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**Name**

Superintendent of Schools

**Title**

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**Concurrence By:**

*Mark Larson*

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**Dr. Mark Larson**

**Superintendent of Schools**



*Second Reading: June 11, 2015*

*Revised: 3/8/07*

*Adopted: 11/5/98*

## **201 LEGAL STATUS OF THE SCHOOL BOARD**

### **I. PURPOSE**

The care, management, and control of the schools is vested by statutory and constitutional authority in the school board. The school board shall carry out the mission of the school district with diligence, prudence, and dedication to the ideals of providing the finest public education. The purpose of this policy is to define the authority, duties, and powers of the school board in carrying out its mission.

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

- A. The school board is the governing body of the school district. As such, the school board has responsibility for the care, management, and control over public schools in the school district.
- B. Generally, elected members of the school board have binding authority only when acting as a school board legally in session, except where specific authority is provided to school board members or officers individually. Generally, the school board is not bound by an action or statement on the part of an individual school board member unless the action is specifically directed or authorized by the school board.

### **III. DEFINITION**

“School board” means the governing body of the school district.

### **IV. ORGANIZATION AND MEMBERSHIP**

- A. The membership of the school board consists of six elected directors and an appointed high school student representative who serves in an ex officio capacity. The term of office for the elected directors is four years. The student representative’s term begins in September and continues through the end of the school year. The student is not limited to a single term.

- B. There may be other ex officio members of the school board as provided by law. The superintendent is an ex officio member.
- C. A majority of voting members constitutes a quorum. The act of the majority of a quorum is the act of the school board.
- D. The election of school board members shall be according to Minnesota law and will occur on the general election day of even numbered years.
- E. A vacancy on the school board will be filled by school board action until such vacancy can be filled at the next election as provided by law.

## **V. POWERS AND DUTIES**

- A. The school board has powers and duties specified by statute. The school board's authority includes implied powers in addition to specific powers granted by the legislature.
- B. The school board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.
- C. The school board shall superintend and manage the schools of the school district; adopt rules for their organization, government, policy, set graduation requirements and authorize contracts.
- D. The school board shall have the general charge of the business of the school district, its facilities and property, and of the interest of the schools.
- E. The school board, among other duties, shall perform the following in accordance with applicable law:
  1. provide by levy of tax, necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the school district;
  2. conduct the business of the schools and pay indebtedness and proper expenses;
  3. employ and contract with necessary qualified teachers and discharge the same for cause;
  4. provide services to promote the health of its pupils;
  5. provide school buildings and erect needed buildings;
  6. purchase, sell, and exchange school district property and equipment as deemed necessary by the school board for school purposes;
  7. provide for payment of claims against the school district, and prosecute and defend actions by or against the school district, in all proper cases;
  8. employ and discharge necessary employees and contract for other services;
  9. provide for transportation of pupils to and from school, as governed by statute; and

10. procure insurance against liability of the school district, its officers, and employees.
- F. The school board, at its discretion, may perform the following:
1. provide library facilities, public evening schools, adult and continuing education programs, summer school programs, and intersession classes of flexible school year programs;
  2. furnish school lunches for pupils and teachers on such terms as the school board determines;
  3. enter into agreements with one or more other independent school districts to provide for agreed upon educational services;
  4. lease rooms or buildings for school purposes;
  5. authorize the use of school facilities for community purposes that will not interfere with their use for school purposes;
  6. authorize cocurricular and extracurricular activities;
  7. receive, for the benefit of the school district, bequests, donations, or gifts for any proper purpose; and
  8. perform other acts as the school board shall deem to be reasonably necessary or required for the governance of the schools.

***Legal References:*** Minn. Stat. § 123A.22 (Cooperative Centers)  
Minn. Stat. § 123B.02 (General Powers)  
Minn. Stat. § 123B.09 (School Board Powers)  
Minn. Stat. § 123B.14 (School District Officers)  
Minn. Stat. § 123B.23 (Liability Insurance)  
Minn. Stat. § 123B.49 (Cocurricular and Extracurricular Activities; Insurance)  
Minn. Stat. § 123B.51 (Schoolhouses and Sites; Access for Noncurricular Purposes)  
Minn. Stat. § 123B.85 (Definition)  
*Jensen v. Indep. Consol. Sch. Dist. No. 85*, 160 Minn. 233, 199 N.W. 911 (1924)

***Cross References:*** Policy 101 (Legal Status of the School District)  
Policy 202 (School Board Officers)  
Policy 203 (Operation of the School Board -Governing Rules)  
Policy 205 (Open Meetings and Closed Meetings)  
Policy 299 (Student Representation on School Board)  
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties



*Second Reading: June 11, 2015*

*Revised: 3/8/07*

*Adopted: 11/5/98*

## **202 SCHOOL BOARD OFFICERS**

### **I. PURPOSE**

School board officers are charged with the duty of carrying out the responsibilities entrusted to them for the care, management, and control of the public schools of the school district. The purpose of this policy is to delineate those responsibilities.

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

- A. The school board shall meet annually and organize by selecting a chair, a clerk, a treasurer, and such other officers as determined by the school board. At its option, the school board may appoint a vice-chair to serve in the temporary absence of the chair.
- B. The school board shall appoint a superintendent who shall be an ex officio, nonvoting member of the school board.

### **III. ORGANIZATION**

The school board shall meet annually on the first Monday in January, or as soon thereafter as practicable, and organize by selecting a chair, a clerk, a treasurer, and such other officers as determined by the school board. These officers shall hold office for one year and until their successors are elected and qualify.

- A. The persons who perform the duties of clerk and treasurer need not be members of the school board.
- B. The school board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the office of business affairs.

### **IV. OFFICER'S RESPONSIBILITIES**

- A. Chair
  - 1. The chair when present shall preside at all meetings of the school board,

countersign all orders upon the treasurer for claims allowed by the school board, represent the school district in all actions, and perform all duties a chair usually performs.

2. In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the school board to be paid, the chair may draw the orders, or the office of the clerk may be declared vacant by the chair and treasurer and filled by appointment.

B. Treasurer

1. The treasurer shall deposit the funds of the school district in the official depository.
2. The treasurer shall make all reports which may be called for by the school board and perform all duties a treasurer usually performs.
3. In the event there are insufficient funds on hand to pay valid orders presented to the treasurer, the treasurer shall receive, endorse, and process the orders in accordance with Minn. Stat. § 123B.12.

C. Clerk

1. The clerk shall keep a record of all meetings in the permanent minutes book.
2. Within three days after an election, the clerk shall notify all persons elected of their election.
3. On or before September 15 of each year, the clerk shall:
  - a. file with the school board a report of the revenues, expenditures, and balances in each fund for the preceding fiscal year.
  - b. make and transmit to the commissioner certified reports, showing:
    - (1) revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;
    - (2) length of school term and enrollment and attendance by grades; and
    - (3) other items of information as called for by the commissioner.
4. The clerk shall enter into the clerk's permanent minutes book copies of resolutions and of the proceedings of any school board meeting.
5. The clerk shall furnish to the county auditor, on or before September 30 of each year, an attested copy of the clerk's record, showing the amount of

proposed property tax voted by the school district or the school board for school purposes.

6. The clerk shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the school board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair.
7. The clerk shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.
8. The clerk shall perform the duties of the chair in the event of the chair's and the vice-chair's temporary absences.

D. Vice-Chair

The vice-chair shall perform the duties of the chair in the event of the chair's temporary absence.

E. Superintendent

1. The superintendent shall be an ex officio, nonvoting member of the school board.
2. The superintendent shall perform the following:
  - a. visit and supervise the schools in the school district, report and make recommendations about their condition when advisable or on request by the school board;
  - b. recommend to the school board employment and dismissal of teachers;
  - c. annually evaluate each school principal assigned responsibility for supervising a school building within the district;
  - d. superintend school grading practices and examinations for promotions;
  - e. make reports required by the commissioner; and
  - f. perform other duties prescribed by the school board.

**V. ABSENCE OF OFFICERS**

If an officer is absent and the situation is not provided for in this policy, the board will select an acting officer to perform the duties of the absent officer.

**Legal References:** Minn. Stat. § 123B.12 (Finance)  
 Minn. Stat. § 123B.14 (Officers)  
 Minn. Stat. § 123B.143 (Superintendent)  
 Minn. Stat. § 126C.17 (Referendum Revenue)  
 Minn. Stat. Ch. 205A (School District Elections)

***Cross References:*** Policy 101 (Legal Status of the School District)  
Policy 201 (Legal Status of the School Board)  
Policy 203 (Operation of the School Board – Governing Rules)  
MSBA Service Manual, Chapter 1, School District Governance, Powers  
and Duties



*Second Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

## **203 OPERATION OF THE SCHOOL BOARD – GOVERNING RULES**

### **I. PURPOSE**

The purpose of this policy is to provide governing rules for the conduct of meetings of the school board.

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

An orderly school board meeting allows school board members to participate in discussion and decision of school district issues. Rules of order allow school board members the opportunity to review school-related topics, discuss school business items, and bring matters to conclusion in a timely and consistent manner.

### **III. RULES OF ORDER**

Rules of order for school board meetings shall be as follows:

- A. Minnesota statutes where specified;
- B. Specific rules of order as provided by the school board consistent with Minnesota statutes; and
- C. *Robert's Rules of Order, Revised* (latest edition) where not inconsistent with A. and B., above.

***Legal References:*** Minn. Stat. Ch. 13D (Open Meeting Law)  
Minn. Stat. § 123B.09, Subds. 6, 7, and 10 (School Board Matters)  
Minn. Stat. § 123B.14 (Officers)



*Second Reading: June 11, 2015*

*Revised: 1/12/06*

*Adopted: 11/5/98*

## **203.1 SCHOOL BOARD PROCEDURES; RULES OF ORDER**

### **I. PURPOSE**

The purpose of this policy is to provide specific rules of order to conduct meetings of the school board.

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

To ensure that school board meetings are conducted in an orderly fashion, the school board will follow rules of order which will allow the school board:

- A. To establish guidelines by which the business of the school board can be conducted in a regular and internally consistent manner;
- B. To organize the meetings so all necessary matters can be brought to the school board and decisions of the school board can be made in an orderly and reasonable manner;
- C. To insure that members of the school board have the necessary information to make decisions on substantive issues and to insure adequate discussion of decisions to be made; and
- D. To insure that meetings and actions of the school board are conducted so as to be informative to the staff and the public, and to produce a clear record of actions taken and decisions made.

### **III. RULES OF ORDER**

- A. School board members need not rise to gain the recognition of the chair.
- B. A motion will be adopted or carried if it receives the affirmative votes of a majority of those actually voting on the matter. Abstentions are considered to be acquiescence to the vote of the majority. It should be noted that some motions by statute or Robert's Rules of Order require larger numbers of affirmative votes.
- C. All motions that require a second shall receive a second prior to opening the issue for discussion of the school board. If a motion that requires a second does not

receive a second, the chair may declare that the motion fails for lack of a second or may provide the second. The names of the members making and seconding a motion shall be recorded in the minutes.

- D. The chair shall decide the order in which school board members will be recognized to address an issue. An attempt should be made to alternate between pro and con positions if appropriate to the discussion. A member shall only speak to an issue after the member is recognized by the chair.
- E. The chair shall rule on all questions relating to motions and points of order brought before the school board.
- F. A ruling by the chair is subject to appeal to the full school board pursuant to Robert's Rules of Order.
- G. The school board shall have authority to recognize any member of the audience regarding a request to be heard at the school board meeting. Members of the public who wish to be heard shall follow school board procedures for Public Comment.
- H. The chair has the authority to declare a recess at any time for the purpose of restoring decorum to the meeting or for any other necessary purpose.
- I. The chair shall repeat a motion or the substance of a motion prior to the vote. The chair shall call for an affirmative and a negative vote on all motions.
- J. The order in which names will be called for roll call votes will be determined by the school board.
- K. The chair has the same right and responsibility as each school board member to vote on all issues.
- L. The chair shall announce the result of each vote. The vote of each member, including abstentions, shall be recorded in the minutes. If the vote is unanimous, it may be reflected as unanimous in the minutes if the minutes also reflect the members present.
- M. A majority of the voting members of the school board constitute a quorum. The absence of a quorum may be raised by the chair or any member. Generally any action taken in the absence of a quorum is null and void. The only legal actions the school board may take in the absence of a quorum are to fix the time at which to adjourn, to adjourn, to recess or to take measures to obtain a quorum.

***Legal References:*** Minn. Stat. § 13D.01, Subd. 4 (Open Meeting Law)  
Minn. Stat. § 122A.40 (Employment Contracts, Termination)

Minn. Stat. § 123B.09, Subds. 6 and 7 (School Board Powers)  
Minn. Stat. § 126C.53 (Enabling Resolution; Form of Certificates of Indebtedness)  
Minn. Stat. § 331A.01, Subd. 6 (Newspapers; Definitions)  
Minn. Stat. § 331A.04, Subd. 6 (Newspapers; Exception to Designation Priority)  
Minn. Stat. § 471.88 (Exceptions)

***Cross References:*** Policy 203 (Operation of the School Board – Governing Rules)  
Policy 204 (School Board Meeting Minutes)  
Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
Policy 207 (Public Hearings)



*Second Reading: June 11, 2015*

*Revised: 1/12/06*

*Adopted: 11/5/98*

## **203.2 ORDER OF THE REGULAR SCHOOL BOARD MEETING**

### **I. PURPOSE**

The purpose of this policy is to ensure consistency in the order of business at regular school board meetings.

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

It is the policy of the school board to consider matters that come before it in a consistent and orderly manner.

### **III. ORDER**

A. The school board shall conduct an orderly school board meeting. The school board will, at all regular school board meetings, follow an agenda order similar to:

1. Call to order.
2. Roll call of attendance.
3. Approval of the agenda.
4. Approval of the consent agenda.
5. Building presentation/school board recognition.
6. Public comment.
7. Report from student representatives.
8. Approval of minutes.
9. Discussion/Information items.
10. Action items.
11. School board committee reports.
12. Superintendent's report.
13. Adjournment.

B. The school board may depart from the order of business with the consent of the majority of members present.

***Legal References:*** Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)

***Cross References:*** Policy 203 (Operation of the School Board – Governing Rules)  
Policy 203.5 (School Board Meeting Agenda)  
Policy 203.6 (Consent Agendas)



*Second Reading: June 11, 2015*

*Revised: 1/12/06*

*Adopted: 11/5/98*

## **203.5 SCHOOL BOARD MEETING AGENDA**

### **I. PURPOSE**

The purpose of this policy is to provide procedures for the preparation of the school board meeting agenda to ensure that the school board can accomplish its business as efficiently and expeditiously as possible.

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

The policy of the school board is that school board meetings shall be conducted in a manner to allow the school board to accomplish its business while allowing reasoned debate and discussion of each matter to be acted upon.

### **III. PROCEDURES**

- A. While all school board members may provide input, it shall be the responsibility of the school board chair and superintendent to develop, prepare, and arrange the order of items for the tentative school board meeting agenda for each school board meeting.
- B. Persons wishing to place an item on the agenda must make a request to the school board chair or superintendent in a timely manner. The person making the request is encouraged to state the person's name, address, purpose of the item, action desired, and pertinent background information. The chair and superintendent shall determine whether to place the matter on the tentative agenda.
- C. The tentative agenda and supporting documents shall be sent to the school board members at least two (2) days prior to the scheduled school board meeting.
- D. Items may only be added to the agenda by a motion adopted at the meeting. If an added item is acted upon, the minutes of the school board meeting shall include a description of the matter.

- E. At least one copy of any printed materials, including electronic communications, relating to the agenda items of the meeting prepared or distributed by or at the direction of the school board or its employees and: (i) distributed at the meeting to all members of the governing body; (ii) distributed before the meeting to all members; or (iii) available in the meeting room to all members shall be available in the meeting room for inspection by the public while the school board considers their subject matter. This does not apply to materials classified by law as other than public or to materials relating to the agenda items of a closed meeting.

***Legal References:*** Minn. Stat. § 13D.01, Subd. 6 (Open Meeting Law)  
Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)  
Dept. of Admin. Advisory Op. No. 10-013 (April 29, 2010)  
Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)

***Cross References:*** Policy 203 (Operation of the School Board – Governing Rules)  
Policy 203.2 (Order of the Regular School Board Meeting)  
Policy 203.6 (Consent Agendas)  
Policy 204 (School Board Meeting Minutes)  
Policy 207 (Public Hearings)



*Second Reading: June 11, 2015*

*Revised: 1/12/06*

*Adopted: 11/5/98*

## **203.6 CONSENT AGENDAS**

### **I. PURPOSE**

The purpose of this policy is to allow the use of a consent agenda.

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

In order for a more efficient administration of school board meetings, the school board may elect to use a consent agenda for the passage of noncontroversial items or items of a similar nature.

### **III. CONSENT AGENDAS**

- A. The superintendent, in consultation with the school board chair, may place items on the consent agenda. By using a consent agenda, the school board has consented to the consideration of certain items as a group under one motion. Should a consent agenda be used, an appropriate amount of discussion time will be allowed to review any item upon request.
- B. Consent items are those which usually do not require discussion or explanation prior to school board action, are noncontroversial and/or similar in content, or are those items which have already been discussed and/or explained and do not require further discussion or explanation. Such agenda items might include ministerial tasks such as, but not limited to, the approval of the agenda, approval of previous minutes, approval of bills, approval of reports, etc. These items might also include similar groups of decisions such as, but not limited to, approval of staff contracts, approval of maintenance details for the school district buildings and grounds or approval of various schedules.
- C. Items shall be removed from the consent agenda by a timely request by an individual school board member for independent consideration. A request is timely if made prior to the vote on the consent agenda. The request does not require a

second or a vote by the school board. An item removed from the consent agenda will then be discussed and acted on separately immediately following the consideration of the consent agenda.

- D. Consent agenda items are approved en masse by one vote of the school board. The consent agenda items shall be separately recorded in the minutes.

***Legal References:*** Minn. Stat. § 123B.09, Subd. 7 (School Board Powers)

***Cross References:*** Policy 203.2 (Order of the Regular School Board Meeting)  
Policy 203.5 (School Board Meeting Agenda)  
Policy 204 (School Board Meeting Minutes)



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*Revised: 3/8/07*

*Adopted: 11/5/98*

## **204 SCHOOL BOARD MEETING MINUTES**

### **I. PURPOSE**

The purpose of this policy is to establish procedures relating to the maintenance of records of the school board and the publication of its official proceedings.

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

It is the policy of the school district to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

### **III. MAINTENANCE OF MINUTES AND RECORDS**

A. The clerk shall keep and maintain permanent records of the school board, including records of the minutes of school board meetings and other required records of the school board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law shall be recorded. Public records maintained by the school district shall be available for inspection by members of the public during the regular business hours of the school district. Minutes of meetings shall be available for inspection at the administrative offices of the school district after they have been prepared. Minutes of a school board meeting shall be approved or modified by the school board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

#### **B. Recordings of Closed Meetings**

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the school district. Recordings of closed meetings shall be made separately from the recordings of an open meeting, to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.

2. Recordings of closed meetings shall be preserved by the school district for the following time periods:
  - a. Meetings closed to discuss labor negotiations strategy shall be preserved for two (2) years after the contract is signed.
  - b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
  - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
  - d. All other closed meetings shall be preserved by the school district for at least three (3) years after the date of the meeting.
  - e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the school district's Records Retention Schedule.
3. Recordings of closed meetings shall be classified by the school district as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
  - a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the school district for the current budget period.
  - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school district has abandoned the purchase or sale.
  - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
4. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the school district, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.

5. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
  - a. The date of the closed meeting;
  - b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
  - c. The classification of the data.
6. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.3. above.

#### IV. PUBLICATION OF OFFICIAL PROCEEDINGS

- A. The school board shall cause its official proceedings to be published once in the official newspaper of the school district within thirty (30) days of the meeting at which the proceedings occurred.
- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the school board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, the character of resolutions offered including a brief description of their subject matter, ~~and~~ whether adopted or defeated, ~~and~~ a listing of how each member present voted on the motion **for roll call votes**. The minutes and permanent records of the school board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the school board, the proceedings to be published may reflect that fact.
- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the school board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

**Legal References:** Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)  
 Minn. Stat. § 123B.09, Subd. 10 (Publishing Proceedings)  
 Minn. Stat. § 123B.14, Subd. 7 (Record of Meetings)  
 Minn. Stat. § 331A.01 (Definition)

Minn. Stat. § 331A.05, Subd. 8 (Notice Regarding Published Summaries)  
Minn. Stat. § 331A.08, Subd. 3 (Publication of Proceedings)  
Op. Atty. Gen. 161-a-20 (Dec. 17, 1970)  
*Ketterer v. Independent School District No. 1*, 248 Minn. 212, 79 N.W.2d  
428 (1956)

***Cross References:*** Policy 205 (Open Meetings and Closed Meetings)  
MSBA Service Manual, Chapter 1, School District Governance, Powers  
and Duties



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*Revised: 1/12/06*

*Adopted: 11/5/98*

## **205 OPEN MEETINGS AND CLOSED MEETINGS**

### **I. PURPOSE**

- A. The school board embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individuals as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at school board meetings, while also protecting the individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

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

- A. Except as otherwise expressly provided by statute, all meetings of the school board, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

### **III. DEFINITION**

“Meeting” means a gathering of at least a quorum or more members of the school board, or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering.

## IV. PROCEDURES

### A. Meetings

#### 1. Regular Meetings

A schedule of the regular meetings of the school board shall be kept on file at its primary offices. If the school board decides to hold a regular meeting at a time or place different from the time or place stated in its schedule, it shall give the same notice of the meeting as for a special meeting.

#### 2. Special Meetings

- a. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings.
- c. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the school board is required to send notice to that person only concerning those particular subjects.
- e. The school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than 60 days before the expiration date of request for notice, the school board shall send notice of the refiling requirement to each person who filed during the preceding year.

#### 3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the school board, require immediate consideration.

- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- c. The school board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
- e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.
- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice

If a person receives actual notice of a meeting of the school board at least 24 hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

7. Health Pandemic or Declared Emergency

In the event of a health pandemic or an emergency declared under Minn.

Stat. Ch. 12, a meeting may be conducted by telephone or other electronic means in compliance with Minn. Stat. § 13D.021.

B. Votes

The votes of school board members shall be recorded in the permanent minutes book and shall be available to the public during all normal business hours at the administrative offices of the school district.

C. Written Materials

1. In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items prepared or distributed by the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public while the school board considers their subject matter.
2. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Data

1. Meetings may not be closed merely because the data to be discussed are not public data.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the school board's authority and is reasonably necessary to conduct the business or agenda item before the school board.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations Strategy
  - a. The school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.
  - b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings shall be tape recorded, and the tape recording shall be preserved for two years

after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the school board for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation sessions, and hearings between the school board and its employees or their respective representatives are public meetings. These meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods are prohibited in mediation meetings closed by the BMS.

3. Preliminary Consideration of Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

4. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

5. Attorney-Client Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the school board needs advice above the level of general legal advice, i.e., regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion

to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

6. Dismissal Hearing

- a. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.
- c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches; Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within 14 days of that decision.
- b. If the coach requests the reasons for the nonrenewal, the school board must give the coach the reasons in writing within 10 days of receiving the request.
- c. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic data.
- e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. Meetings to Discuss Certain Not Public Data

Any portion of a meeting must be closed if the following types of data are discussed:

- a. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
- b. active investigative data collected or created by a law enforcement agency;
- c. educational data, health data, medical data, welfare data, or mental health data that are not public data; or
- d. an individual's personal medical records.
- e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

9. Purchase and Sale of Property

- a. The school board may close a meeting:
  - (1) to determine the asking price for real or personal property to be sold by the school district;
  - (2) to review confidential or nonpublic appraisal data; and
  - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- b. Before closing the meeting, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the school board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The school board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open meeting. A school board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the school board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

***Legal References:*** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
 Minn. Stat. Ch. 13D (Open Meeting Law)  
 Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)  
 Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)  
 Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)  
 Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)  
 Minn. Rules Part 5510.2810 (Bureau of Mediation Services)  
*Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. App. 2006)  
*Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005)

*The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004)

*Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002)

*Star Tribune v. Board of Education, Special School District No. 1*, 507 N.W.2d 869 (Minn. App. 1993)

*Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988)

*Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983)

*Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied.* (Minn. 1993)

Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)

Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)

Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)

Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)

Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)

Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)

Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

***Cross References:*** Policy 204 (School Board Meeting Minutes)  
 Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
 Policy 207 (Public Hearings)  
 Policy 406 (Public and Private Personnel Data)  
 Policy 515 (Protection and Privacy of Pupil Records)  
 MSBA Service Manual, Chapter 13, School Law Bulletin “C”  
 (Minnesota’s Open Meeting Law)



*Second Reading: June 11, 2015*

*Adopted: \_\_\_\_\_*

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

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

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

**III. DEFINITIONS**

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

Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added

remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the terms of any agreement settling any dispute arising out of the employment relationship, including a superintendent buyout agreement, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; a work telephone number; badge number; work-related continuing education; honors and awards received; and payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

- C. Personnel data on current and former applicants for employment that is "public" includes:

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

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

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

#### **IV. RIGHTS TO PRIVACY**

- A. School district employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
  2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
  3. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
  4. right to a private hearing for licensed or nonlicensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
  2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
  3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

#### **V. THE PUBLIC'S OPPORTUNITY TO BE HEARD**

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

## VI. PROCEDURES

### A. Agenda Items

1. Citizens who wish to have a subject discussed at a public school board meeting are encouraged to notify the superintendent's office in advance of the school board meeting. The citizen should provide his or her name, address, the name of group represented (if any), and the subject to be covered or the issue to be addressed.
2. Citizens who wish to address the school board on a particular subject should identify the subject and identify agenda item(s) to which their comments pertain. Usually, only items on the agenda can be addressed. If the item for discussion is not on the agenda, the citizen will be allowed to speak at the discretion of the Board Chair.
3. The school board chair will recognize one speaker at a time, and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
4. The school board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the school board. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
5. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.
6. The school board chair shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
7. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
8. Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and

restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

**B. Complaints**

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

**C. Open Forum**

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

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

**D. No Board Action at Same Meeting**

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

**VII. PENALTIES FOR VIOLATION OF DATA PRIVACY**

- A. The school district is liable for damages, costs and attorneys' fees, and, in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)

- B. A person who willfully violates data privacy is guilty of a misdemeanor. (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)  
Minn. Stat. § 13D.05 (Open Meeting Law)  
Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)  
Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)  
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)  
Minn. Stat. § 122A.44 (Contracting with Teachers)  
Minn. Stat. § 123B.02, Subd. 14 (Employees; Contracts for Services)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
Minn. Op. Atty. Gen. 852 (July 14, 2006)

**Cross References:** Policy 205 (Open Meetings and Closed Meetings)  
Policy 207 (Public Hearings)  
Policy 406 (Public and Private Personnel Data)  
Policy 515 (Protection and Privacy of Pupil Records)  
MSBA Service Manual, Chapter 13, School Law Bulletin “C”  
(Minnesota’s Open Meeting Law)  
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School  
Records – Privacy – Access to Data)



*Second Reading: June 11, 2015*

*Adopted: \_\_\_\_\_*

## **207 PUBLIC HEARINGS**

### **I. PURPOSE**

The school board recognizes the importance of obtaining public input on matters properly before the school board. The purpose of this policy is to establish procedures to efficiently receive public input.

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

In order for the school board to efficiently receive public input on matters properly before the school board, the procedures set forth in this policy are established by the school board.

### **III. PROCEDURES**

#### **A. Public Hearings**

Public hearings are required by law to be held concerning certain issues, including but not limited to, school closings (Minn. Stat. § 123B.51), education district establishment (Minn. Stat. § 123A.15), and agreements for secondary education (Minn. Stat. § 123A.30). Additionally, other public hearings may be held by the school board on school district matters at the discretion of the school board.

#### **B. Notice of Public Hearings**

Public notice of a public hearing required by law shall be given as provided by the enabling legislation. Public notice of other hearings shall be given in the manner required for a regular meeting if held in conjunction with a regular meeting, in the manner required for a special meeting if held in conjunction with a special meeting, or as otherwise determined by the school board.

#### **C. Public Participation**

The school board retains the right to require that those in attendance at a public hearing indicate their desire to address the school board and complete and file with the clerk of the school board an appropriate request card prior to the commencement

of the hearing if the school board utilizes this procedure. In that case, any request to address the school board after the commencement of the hearing will be granted only at the discretion of the school board.

1. Format of Request: If required by the school board, a written request of an individual or a group to address the school board shall contain the name and address of the person or group seeking to address the school board. It shall also contain the name of the group represented, if any, and a brief statement of the subject to be covered or the issue to be addressed.
2. Time Limitation: The school board retains the discretion to limit the time for each presentation as needs dictate.
3. Groups: The school board retains the discretion to require that any group of persons who desire to address the school board designate one representative or spokesperson. In the event that the school board requires the designation of a representative or spokesperson, no other person in the group will be recognized to address the school board, except as otherwise determined by the school board.
4. Privilege to Speak: A school board member should direct any remarks or questions through the chair. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
5. Personal Attacks: Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.
6. Limitations on Participation: Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient, and fair opportunity for those present to be heard.

***Legal References:*** Minn. Stat. § 123A.15 (Education District Establishment)  
Minn. Stat. § 123A.30 (Agreements for Secondary Education)  
Minn. Stat. § 123B.51 (School Closings)

***Cross References:*** Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)



*Second Reading:* June 11, 2015

*Revised:* 2/10/05

*Adopted:* 11/5/98

## **208 DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES**

### **I. PURPOSE**

The purpose of this policy is to emphasize the importance of the policy-making role of the school board and provide the means for it to continue to be an ongoing effort.

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

Formal guidelines are necessary to ensure the school community that the school system responds to its mission and operates in an effective, efficient, and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the school board and should be in a form which is sufficiently explicit to guide administrative action.

### **III. DEVELOPMENT OF POLICY**

- A. The school board has jurisdiction to legislate policy for the school district with the force and effect of law. School board policy provides the general direction as to what the school board wishes to accomplish while delegating implementation of policy to the administration.
- B. The school board's written policies provide guidelines and goals to the school community. The policies shall be the basis for the formulation of guidelines and directives by the administration. The school board shall determine the effectiveness of the policies by evaluating periodic reports from the administration.
- C. Policies may be proposed by a school board member, employee, student or resident of the school district. Proposed policies or ideas shall be submitted to the superintendent for review prior to possible placement on the school board agenda.

### **IV. ADOPTION OF POLICY**

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The

proposals shall be distributed and public comment will be allowed at both meetings prior to final school board action.

- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the school board at a subsequent meeting after the meetings at which public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.
- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The school board shall have discretion to determine what constitutes an emergency situation.
- D. If a policy is modified because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

## **V. IMPLEMENTATION OF POLICY**

- A. It shall be the responsibility of the superintendent to implement school board policies and to develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the school board.
- B. Each school board member shall have access to the policy manual. The manual will be available on the school district's website.
- C. It shall be the responsibility of the superintendent, employees designated by the superintendent, and individual school board members to keep the policy manuals current.
- D. The school board shall review policies at least once every six years. The superintendent shall be responsible for developing a system of periodic review. In addition, the school board shall review the following policies annually:
  - 410 Family and Medical Leave Policy
  - 413 Harassment and Violence
  - 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse
  - 415 Mandated Reporting of Maltreatment of Vulnerable Adults
  - 506 Student Discipline
  - 514 Bullying Prohibition Policy
  - 522 Student Sex Nondiscrimination
  - 524 Internet Acceptable Use and Safety Policy

- 616 School District System Accountability
- 806 Crisis Management Policy.

E. When no school board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school district. Under such circumstances, the superintendent shall advise the school board of the need for a policy and present a recommended policy to the school board for approval.

***Legal References:*** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09, Subd. 1 (School Board Powers)

***Cross References:*** Policy 305 (Policy Implementation)



*Second Reading: June 11, 2015*

*Revised: \_\_\_\_\_ 3/8/07*

*Adopted: 11/5/98*

## **209 CODE OF ETHICS**

### **I. PURPOSE**

The purpose of this policy is to assist the individual school board member in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

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

Each school board member shall follow the code of ethics stated in this policy.

#### **A. AS A MEMBER OF THE SCHOOL BOARD, I WILL:**

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed discussion, unless I abstain because a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Recognize the integrity of my predecessors and associates and appreciate their work.
7. Be primarily motivated by a desire to provide the best possible education for the students of my school district.

8. Inform myself about the proper duties and functions of a school board member.

**B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:**

1. Focus on education policy as much as possible.
2. Remember my responsibility is to set policy – not to implement policy.
3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
4. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the schools are properly run – not to run them myself.
5. Work through the superintendent – not over or around the superintendent.
6. Delegate the implementation of school board decisions to the superintendent.

**C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:**

1. Respect the rights of others to have and express opinions.
2. Recognize that authority rests with the school board in legal session – not with the individual members of the school board except as authorized by law.
3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.
6. Insist that committees be appointed to serve only in an advisory capacity to the school board.

**D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:**

1. Attempt to appraise and plan for both the present and future educational needs of the school district and community.

2. Attempt to obtain adequate financial support for the school district's programs.
3. Insist that business transactions of the school district be ethical and open.
4. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.

E. IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND STAFF, I WILL:

1. Hold the superintendent responsible for the administration of the school district.
2. Give the superintendent authority commensurate with his or her responsibilities.
3. Assure that the school district will be administered by the best professional personnel available.
4. Consider the recommendation of the superintendent in hiring all employees.
5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
6. Insist the superintendent keep the school board adequately informed at all times.
7. Offer the superintendent counsel and advice.
8. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the school board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the superintendent.
11. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

F. IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:

1. Comply with all federal, state, and local laws relating to my work as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.
4. Recognize that school district business may be legally transacted only in an open meeting of the school board.
5. Avoid conflicts of interest and refrain from using my school board position for personal gain.
6. Take no private action that will compromise the school board or administration.
7. Guard the confidentiality of information that is protected under applicable law.

***Legal References:*** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09 (School Board Powers)  
Minn. Stat. § 123B.143, Subd. 1 (Superintendent)

***Cross References:*** MSBA Service Manual, Chapter 1, School Board Member Code of Ethics



*Second Reading: June 11, 2015*

*Revised: 11/9/00*

*Adopted: 6/12/95*

## **210 CONFLICT OF INTEREST – SCHOOL BOARD MEMBERS**

### **I. PURPOSE**

The purpose of this policy is to observe state statutes regarding conflicts of interest and to engage in school district business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

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

It is the policy of the school board to contract for goods and services in conformance with statutory conflict of interest laws and in a manner that will avoid any conflict of interest or the appearance thereof. Accordingly, the school board will contract under the statutory exception provisions only when it is clearly in the best interest of the school district because of limitations that may exist on goods or services otherwise available to the school district.

### **III. GENERAL PROHIBITIONS AND RECOGNIZED STATUTORY EXCEPTIONS**

A. In all procurement activities, the school board, administration, and staff will abide by all laws, regulations, and school district policies relating to vendor relations and conflict of interest and will do the following:

1. Consider first the interests of the school district and the betterment of its educational and support programs;
2. Endeavor to obtain the greatest value for every dollar expended;
3. Give all responsible bidders equal consideration and assurance of unbiased judgment in determining whether or not their product meets specifications and the needs of the school district;
4. Refuse the offer of, and decline all, personal gifts, favors, or benefits which, in any way, might influence or appear to influence purchases, except that the school board may receive gifts in accordance with Policy 706-Acceptance of Gifts;
5. Accrue all credits or benefits issued by companies to the school district and not to individual school board members or employees. In the event the issuing vendor will not honor a transfer or assignment of credits or benefits,

- the school board member or employee will report receipt of the credit or benefit to the director of business services within 30 days of receipt;
6. Discourage solicitation of funds or material from school district vendors and obtain prior authorization from the superintendent prior to solicitation.
- B. A school board member who is authorized to take part in any manner in making any sale, lease, or contract in his or her official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom.
- C. In the following circumstances, however, the school board may as an exception, by unanimous vote, contract for goods or services with a school board member of the school district:
1. In the designation of a bank or savings association, in which a school board member is interested, as an authorized depository for school district funds and as a source of borrowing, provided such deposited funds are protected in accordance with Minn. Stat. Ch. 118A. Any school board member having said interest shall disclose that interest and the interest shall be entered upon the minutes of the school board. Disclosure must be made when such bank or savings association is first designated as a depository or source of borrowing, or when such school board member is elected, whichever is later. Disclosure serves as notice of the interest and must only be made once;
  2. The designation of an official newspaper, or publication of official matters therein, in which the school board member is interested when it is the only newspaper complying with statutory requirements relating to the designation or publication;
  3. A contract with a cooperative association of which the school board member is a shareholder or stockholder but not an officer or manager;
  4. A contract for which competitive bids are not required by law. A contract made under this exception will be void unless the following procedures are observed:
    - a. The school board must authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the goods or services could be obtained elsewhere.
    - b. In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated.
    - c. Before a claim is paid, the interested school board member must file with the clerk of the school board an affidavit stating:
      - (1) The name of the school board member and the office held;
      - (2) An itemization of the goods or services furnished;

- (3) The contract price;
  - (4) The reasonable value;
  - (5) The interest of the school board member in the contract; and
  - (6) That to the best of the school board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.
5. A school board member may rent space in a public facility at a rate commensurate with that paid by other members of the public.
- D. In the following circumstances, the school board may as an exception, by majority vote at a meeting where all school board members are present, contract for services with a school board member of the school district: A school board member may be newly employed or may continue to be employed by the school district as an employee where there is a reasonable expectation on July 1, or at the time the contract is entered into or extended, that the amount to be earned by that school board member under that contract or employment relationship, will not exceed \$8,000 in that fiscal year. If the school board member does not receive majority approval to be initially employed or to continue in employment at a meeting where all school board members are present, that employment must be immediately terminated and that school board member will have no further rights to employment while serving as a school board member in the school district.
- E. The school board may contract with a class of school district employees, such as teachers or custodians, where the spouse of a school board member is a member of the class of employees contracting with the school board and the employee spouse receives no special monetary or other benefit that is substantially different from the benefits that other members of the class receive under the employment contract. In order for the school board to invoke this exception, it must have a majority of disinterested school board members vote to approve the contract, direct the school board member spouse to abstain from voting to approve the contract, and publicly set out the essential facts of the contract at the meeting where the contract is approved.

#### **IV. LIMITATIONS ON RELATED EMPLOYEES**

- A. The school board can hire or dismiss teachers only at duly called meetings. Where a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher may be made or authorized except upon the unanimous vote of the full school board.
- B. The school board may not employ any teacher related by blood or marriage to a school board member, within the fourth degree as computed by the civil law, except by a unanimous vote of the full school board.

## V. CONFLICTS PRIOR TO TAKING OFFICE

A school board member with personal financial interest in a sale, lease, or contract with the school district which was entered before the school board member took office and presents an actual or potential conflict of interest, shall immediately notify the school board of such interest. It shall thereafter be the responsibility of the school board member to refrain from participating in any action relating to the sale, lease, or contract. At the time of renewal of any such sale, lease, or contract, the school board may enter into or renew such sale, lease, or contract only if it falls within one of the enumerated exceptions for contracts relating to goods or services provided above and if the procedures provided in this policy are followed.

## VI. DETERMINATION AS TO WHETHER A CONFLICT OF INTEREST EXISTS

The determination as to whether a conflict of interest exists is to be made by the school board. Any school board member who has an actual or potential conflict shall notify the school board and superintendent of such conflict immediately. The school board member shall thereafter cooperate with the school board as necessary for the school board to make its determination.

***Legal References:*** Minn. Stat. § 122A.40, Subd. 3 (Teacher Hiring, Dismissal)  
 Minn. Stat. § 123B.195 (Board Member's Right to Employment)  
 Minn. Stat. § 471.87 (Public Officers; Interest in Contract; Penalty)  
 Minn. Stat. § 471.88, Subds. 2, 3, 4, 5, 12, 13, and 21 (Exceptions)  
 Minn. Stat. § 471.89 (Contract, When Void)  
 Op. Atty. Gen. 90-A (Aug. 14, 1957)  
 Op. Atty. Gen. 90-C-5 (July 30, 1940)  
 Op. Atty. Gen. 437-A-4 (March 15, 1935)

***Cross References:*** Policy 101 (Legal Status of the School Board)  
 Policy 209 (Code of Ethics)  
 MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties



*Second Reading: June 11, 2015*

*Adopted: \_\_\_\_\_*

## **211 CRIMINAL OR CIVIL ACTION AGAINST SCHOOL DISTRICT, SCHOOL BOARD MEMBER, EMPLOYEE, OR STUDENT**

### **I. PURPOSE**

The purpose of this policy is to provide guidance as to the school district's position, rights, and responsibilities when a civil or criminal action is pending against the school district, or a school board member, school district employee, or student.

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

- A. The school district recognizes that, when civil or criminal actions are pending against a school board member, school district employee, or student, the school district may be requested or required to take action.
- B. In responding to such requests and/or requirements, the school district will take such measures as are appropriate to its primary mission of providing for the education of students in an environment that is safe for staff and students and is conducive to learning.
- C. The school district acknowledges its statutory obligations with respect to providing assistance to school board members and teachers who are sued in connection with performance of school district duties. Collective bargaining agreement and school district policies may also apply.

### **III. CIVIL ACTIONS**

- A. Pursuant to Minn. Stat. § 466.07, Subd. 1, the school district shall defend and indemnify any school board member or school district employee for damages in school-related litigation, including punitive damages, claimed or levied against the school board member or employee, provided that he or she was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.
- B. Pursuant to Minn. Stat. §123B.25(b), with respect to teachers employed by the school district, upon written request of the teacher involved, the school district shall provide legal counsel for any school teacher against whom a claim is made or action

is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the school district. The school district will choose legal counsel after consultation with the teacher.

C. Data Practices

Educational data and personnel data maintained by the school district may be sought as evidence in a civil proceeding. The school district will release the data only pursuant to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and related regulations. When an employee is subpoenaed and is expected to testify regarding educational data or personnel data, he or she is to inform the building administrator or designated supervisor, who shall immediately inform the superintendent or designee. No school board member or employee may release data without consultation in advance with the school district official who is designated as the authority responsible for the collection, use, and dissemination of data.

D. Service of Subpoenas

It is the policy of the school district that its officers and employees will normally not be involved in providing service of process for third parties in the school setting.

E. Leave to Testify

Leave for employees appearing in court, either when sued or under subpoena to testify, will be considered in accordance with school district personnel policies and applicable collective bargaining agreements.

#### IV. **CRIMINAL CHARGES OR CONDUCT**

A. Employees

1. The school district expects that its employees serve as positive role models for students. As role models for students, employees have a duty to conduct themselves in an exemplary manner.
2. If the school district receives information relating to activities of a criminal nature by an employee, the school district will investigate and take appropriate disciplinary action, which may include discharge, subject to school district policies, statutes, and provisions of applicable collective bargaining agreements.
3. Pursuant to Minn. Stat. § 123B.02, Subd. 20, if reimbursement for a criminal defense is requested by a school district employee, the school board may, after consulting with its legal counsel, reimburse the employee for any costs and reasonable attorney fees incurred by the employee to

defend criminal charges brought against the employee arising out of the performance of duties for the school district. The decision as to whether to reimburse shall be made at the discretion of the school board. A school board member who is a witness or an alleged victim in the case may not vote on the reimbursement. If a quorum of the school board is disqualified from voting on the reimbursement, the reimbursement must be approved by a judge of the district court.

**B. Students**

The school district has an interest in maintaining a safe and healthful environment and in preventing disruption of the educational process. In order to further that interest, the school district will take appropriate action regarding students convicted of crimes that relate to the school environment.

**C. Criminal Investigations**

1. It is the policy of the school district to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless there are extenuating circumstances or the matter being investigated is school-related, or as otherwise provided by law.
2. If such questioning at school is unavoidable, the school district will attempt to maintain confidentiality, to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the principal or other appropriate school official will be present during the interview, except as otherwise required by law (Minn. Stat. § 626.556, Subd. 10), or as otherwise determined in consultation with the parent or guardian.

**D. Data Practices**

The school district will release to juvenile justice and law enforcement authorities educational and personnel data only in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C. § 1232g (FERPA).

**V. STATEMENTS WHEN LITIGATION IS PENDING**

The school district recognizes that when a civil or criminal action is commenced or pending, parties to the lawsuit have particular duties in reference to persons involved or named in the lawsuit, as well as insurance carrier(s). Therefore, school board members or school district employees shall make or release statements in that situation only in consultation with legal counsel.

- Legal References:*** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel, Reimbursement)  
Minn. Stat. § 123B.25(b) (Actions Against Teachers)  
Minn. Stat. § 466.07, Subd. 1 (Indemnification)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
42 U.S.C. § 1983 (Civil Action for Depriving Rights)  
Minn. Op. Atty. Gen. 169 (Mar. 7, 1963)  
Minn. Op. Atty. Gen. 169 (Nov. 3, 1943)  
*Dypress v. School Committee of Boston*, 446 N.E.2d 1099 (Mass. App. Ct. 1983)  
*Wood v. Strickland*, 420 U.S. 308, 95 S.Ct. 992, 43 L.Ed.2d 214 (1975)
- Cross References:*** Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
Policy 406 (Public and Private Personnel Data)  
Policy 408 (Subpoena of a School District Employee)  
Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
Policy 506 (Student Discipline)  
Policy 515 (Protection and Privacy of Pupil Records)



*Second Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

## **212 SCHOOL BOARD MEMBER DEVELOPMENT**

### **I. PURPOSE**

In recognition of the need for continuing in-service training and development for its members, the purpose of this policy is to encourage the members of the school board to participate in professional development activities designed for them so that they may perform their responsibilities.

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

- A. New school board members will be provided the opportunity and encouragement to attend the orientation and training sessions sponsored by the Minnesota School Boards Association (MSBA). School board members shall receive training in school finance and management developed in consultation with MSBA.
- B. All school board members are encouraged to participate in school board and related workshops and activities sponsored by local, state, and national school boards associations, as well as in the activities of other educational groups.
- C. School board members are expected to report back to the school board with materials of interest gathered at the various meetings and workshops.
- D. The school board will reimburse the necessary expenses of all school board members who attend meetings and conventions pertaining to school activities and the objectives of the school board, within the approved policy and budget allocations of the school district relating to the reimbursement of expenses involving the attendance at workshops and conventions.

***Legal References:*** Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)

***Cross References:*** Policy 214 (Out-of-State Travel by School Board Members)  
Policy 412 (Expense Reimbursement)



*Second Reading:* June 11, 2015

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

*Adopted:* 8/8/96

## **213 SCHOOL BOARD COMMITTEES**

### **I. PURPOSE**

The purpose of this policy is to provide for the structure and the operation of committees or subcommittees of the school board.

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

- A. It is the policy of the school board to designate school board committees or subcommittees when it is determined that a committee process facilitates the mission of the school board.
- B. The school board has determined that certain permanent standing committees, as described in this policy, do facilitate the operation of the school board and the school district.
- C. A school board committee or subcommittee will be formed by school board resolution which shall outline the duties and purpose of the committee or subcommittee.
- D. A committee or subcommittee is advisory in nature and has only such authority as specified by the school board.
- E. The school board will receive reports or recommendations from a committee or subcommittee for consideration. The school board, however, retains the right and has the duty to make all final decisions related to such reports or recommendations.
- F. The school board also may establish such ad hoc committees for specific purposes as it deems appropriate.
- G. The school board reserves the right to limit, create or abolish any standing or ad hoc committee as it deems appropriate.
- H. A committee of the school board shall not appoint a subcommittee of that committee without approval of the school board.

### III. APPOINTMENT OF COMMITTEES

- A. The school board hereby appoints the following standing committees:
- Facilities
  - Finance
  - Personnel
  - Policy
- B. The school board will establish, by resolution, for each standing or ad hoc committee the number of members, the term and the charge or mission of each such committee.
- C. The school board chair shall appoint the members of each standing or ad hoc committee and designate the chair thereof.

### IV. PROCEDURES FOR SCHOOL BOARD COMMITTEES

- A. All meetings of committees or subcommittees shall be open to the public in compliance with the Open Meeting Law, and notice shall be given as prescribed by law.
- B. A committee or subcommittee shall act only within the guidelines and mission established for that committee or subcommittee by the school board.
- C. Actions of a committee or subcommittee shall be by majority vote and be consistent with the governing rules of the school board.
- D. The committee or subcommittee shall designate a secretary who will record the minutes of actions of the school board committee.
- E. The power of a committee or subcommittee of the school board is advisory only and is limited to making recommendations to the school board.
- F. A committee or subcommittee of the school board shall, when appropriate, clarify in any dealings with the public that its powers are only advisory to the school board.

**Legal References:** Minn. Stat. Ch. 13D (Open Meeting Law)

**Cross References:** Policy 201 (Legal Status of the School Board)  
 Policy 203 (Operation of the School Board – Governing Rules)  
 MSBA Service Manual, Chapter 13, School Law Bulletin “C” (Minnesota’s Open Meeting Law)



*Second Reading: June 11, 2015*

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

*Adopted: 2/12/09*

## **214 OUT-OF-STATE TRAVEL BY SCHOOL BOARD MEMBERS**

### **I. PURPOSE**

The purpose of this policy is to control out-of-state travel by school board members as required by law.

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

School board members have an obligation to become informed on the proper duties and functions of a school board member, to become familiar with issues that may affect the school district, to acquire a basic understanding of school finance and budgeting, and to acquire sufficient knowledge to comply with federal, state, and local laws, rules, regulations, and school district policies that relate to their functions as school board members. Occasionally, it may be appropriate for school board members to travel out of state to fulfill their obligations.

### **III. APPROPRIATE TRAVEL**

Travel outside the state is appropriate when the school board finds it proper for school board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as school board members. Travel to regional or national meetings of the National School Boards Association is presumed to fulfill this purpose. Travel to other out-of-state meetings for which the member intends to seek reimbursement from the school district should be preapproved by the school board.

### **IV. REIMBURSABLE EXPENSES**

Expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary school district-related expenses.

### **V. REIMBURSEMENT**

A. Requests for reimbursement must be itemized on the official school district form and are to be submitted to the designated administrator. Receipts for lodging,

commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.

- B. Automobile travel shall be reimbursed at the mileage rate set by the school board. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- C. Amounts to be reimbursed shall be within the school board's approved budget allocations, including attendance at workshops and conventions.

## **VI. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES**

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

***Legal References:*** Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)  
 Minn. Stat. § 471.661 (Out-of-State Travel)  
 Minn. Stat. § 471.665 (Mileage Allowances)  
 Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)  
 Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

***Cross References:*** Policy 212 (School Board Member Development)  
 Policy 412 (Expense Reimbursement)



*Second Reading: June 11, 2015*

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

*Adopted: 6/12/97*

## **298 MEET AND CONFER**

### **I. PURPOSE**

The purpose of this policy is to establish procedures for meet and confer meetings in accordance with the Public Employment Labor Relations Act (PELRA).

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

The intent of this policy is to encourage close cooperation between the school board, administration, and the professional employees by providing for discussions and mutual exchange of ideas regarding all matters that are not terms and conditions of employment as provided by M. S. 179A.08, Subd. 1, which states “The Legislature recognizes that professional employees possess knowledge, expertise, and dedication, which is helpful and necessary to the operation and quality of public services which may assist public employers in developing their policies.”

### **III. COMMITTEE MEETING GUIDELINES**

- A. The committee may consist of members of the school board, administration, and members selected by the professional employees’ organization of the local teachers’ association, the Mahtomedi Education Association (MEA).
- B. The committee shall meet at the request of either party to exchange views and concerns between employers and their employees. The meeting date shall be determined by mutual agreement of the superintendent and the MEA representative. The school district shall provide the facilities for the meeting.
- C. The agenda, which shall be prepared at least two weeks prior to the meeting date, may include all meet and confer concerns of the employer and employee groups. To insure that terms and conditions of employment do not become discussion items at meet and confer meetings, the final agenda shall be adopted by mutual agreement of the administration and the association.

***Legal References:*** Minn. Stat. § 179A.01 (Public Policy)  
Minn. Stat. § 179A.03 (Definitions)  
Minn. Stat. § 179A.08 (Policy Consultants)



*Second Reading: June 11, 2015*

*Revised: 1/10/08; 12/8/05; 12/9/93; 6/11/92*

*Adopted: 1/10/91*

## **299 STUDENT REPRESENTATION ON SCHOOL BOARD**

### **I. PURPOSE**

The school board recognizes its responsibility to develop educational policies that reflect the concerns of its constituency and the interests of students. A student representative on the school board provides a mechanism whereby the views, needs, and recommendations of students can be carefully considered in the development of policies and programs. Student representation on the school board is authorized in accordance with this policy.

### **II. NOMINATION AND SELECTION**

One high school representative is selected to represent Mahtomedi students on the school board in accordance with a written procedure under supervision of the high school principal. Regular attendance, preparation, active participation, and sincere interest are priority considerations for the representative selected for this position.

### **III. TERM**

The student representative's term begins in September and continues through the end of the school year. The student is not limited to a single term.

### **IV. BOARD PARTICIPATION**

- A. The student representative participates in all regularly scheduled business meetings and may attend all study sessions, special meetings, and committee meetings that he or she feels are of relevance to his or her position, unless otherwise requested by the superintendent. The student representative does not participate in closed sessions of the school board.
- B. The student representative receives an agenda and appropriate informational materials similar to what the school board receives for regularly scheduled meetings, to the extent such materials would be available to the public under Minnesota law. During his or her term, the representative is automatically filed as a recipient of notices of special meetings (in accordance with Mahtomedi School

Board Policy 205, Section IV.2.). The superintendent shall withhold materials that constitute private or confidential data or are sensitive in nature.

- C. The student representative on the school board is advisory. The representative does not have the right to vote, make, or second a motion, but does have all other rights in accordance with school board policy, law, and parliamentary procedure.
- D. The student representative provides a monthly report on issues of importance.

***Legal References:*** Minn. Stat. § 123B.09 (School Board Powers)



*Second Reading: June 11, 2015*

*Adopted: \_\_\_\_\_*

### **301 SCHOOL DISTRICT ADMINISTRATION**

#### **I. PURPOSE**

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

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

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

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

**Cross References:** MSBA Service Manual, Chapter 3, Superintendent of Schools



*Second Reading: June 11, 2015*

*Adopted: \_\_\_\_\_*

## **302 SUPERINTENDENT**

### **I. PURPOSE**

The purpose of this policy is to recognize the importance of the role of the superintendent and the overall responsibility of that position within the school district.

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

The school board shall employ a superintendent who shall serve as an ex officio, nonvoting member of the school board and as chief executive officer of the school system.

### **III. GENERAL RESPONSIBILITIES**

- A. The superintendent is responsible for the management of the schools, the administration of all school district policies, and is directly accountable to the school board.
- B. The superintendent shall annually evaluate each principal assigned responsibility for supervising a school building in the district.
- C. The superintendent may delegate responsibilities to other school district personnel, but shall continue to be accountable for actions taken under such delegation.
- D. Where responsibilities are not specifically prescribed, nor school board policy applicable, the superintendent shall use personal and professional judgment, subject to review by the school board.

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

**Cross References:** Policy 202 (School Board Officers)  
 Policy 208 (Development, Adoption, and Implementation of Policies)  
 Policy 214 (Out-of-State Travel by School Board Members)  
 Policy 301 (School District Administration)  
 Policy 303 (Superintendent Selection)  
 Policy 304 (Superintendent Contract, Duties, and Evaluation)  
 Mahtomedi School Board Policy 305 (Policy Implementation)

Policy 306 (Administrator Code of Ethics)  
Policy 412 (Expense Reimbursement)  
Policy 510 (School Activities)  
Policy 511 (Student Fundraising)  
Policy 513 (Student Promotion, Retention, and Program Design)  
Policy 602 (Organization of School Calendar and School Day)  
Policy 605 (Alternative Programs)  
Policy 701 (Establishment and Adoption of School District Budget)  
Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)  
Policy 802 (Disposition of Obsolete Equipment and Material)  
Policy 903 (Visitors to School District Buildings and Sites)  
Policy 905 (Advertising)  
Policy 906 (Community Notification of Predatory Offenders)  
Policy 907 (Rewards)  
MSBA Service Manual, Chapter 3, Superintendent of Schools



*Second Reading: June 11, 2015*

*Adopted: \_\_\_\_\_*

### **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 board 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:** MSBA Service Manual, Chapter 3, Superintendent of Schools



*Second Reading:* June 11, 2015

*Adopted:* \_\_\_\_\_

### **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. All school districts maintaining a classified secondary school must employ a superintendent who shall be an ex officio, nonvoting member of the school board, Minn. Stat. § 123B.143.

#### **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:*** MSBA Service Manual, Chapter 3, Superintendent of Schools (See Model Contract, Sample Performance Appraisals, and Model Job Description)



*Second Reading: June 11, 2015*

*Adopted: \_\_\_\_\_*

### **305 POLICY IMPLEMENTATION**

#### **I. PURPOSE**

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

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

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

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

***Cross References:*** Policy 208 (Development, Adoption, and Implementation of Policies)



*Second Reading: June 11, 2015*

*Adopted: \_\_\_\_\_*

### **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 (Code of Ethics)  
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)



*Second Reading: June 11, 2015*

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

*Adopted: 6/12/08*

## **706 ACCEPTANCE OF GIFTS**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for the acceptance of gifts by the school board.

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

It is the policy of this school district to accept gifts only in compliance with state law.

### **III. ACCEPTANCE OF GIFTS GENERALLY**

The school board may receive, for the benefit of the school district, bequests, donations or gifts for any proper purpose. The school board shall have the sole authority to determine whether any gift or any precondition, condition, or limitation on use included in a proposed gift furthers the interests of or benefits the school district and whether it should be accepted or rejected.

For substantial gifts (monetary or impactful), the superintendent shall be responsible for providing more detailed procedures when deemed necessary, including administrator, teacher, and community involvement, early and on-going communication to the board, and other aspects deemed important and in the best interest of the district.

### **IV. GIFTS OF REAL OR PERSONAL PROPERTY**

The school board may accept a gift, grant or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members. The resolution must fully describe any conditions placed on the gift. The real or personal property so accepted may not be used for religious or sectarian purposes.

### **V. ADMINISTRATION IN ACCORDANCE WITH TERMS**

If the school board agrees to accept a bequest, donation, gift, grant or devise which contains preconditions, conditions or limitations on use, the school board shall administer it in

accordance with those terms. Once accepted, a gift shall be the property of the school district unless otherwise provided in the agreed upon terms.

***Legal References:*** Minn. Stat. § 123B.02, Subd. 6 (Bequests, Donations, Gifts)  
Minn. Stat. § 465.03 (Gifts)

**Mahtomedi Public Schools**  
**Independent School District #832**  
**1520 Mahtomedi Avenue**  
**Mahtomedi, MN 55115**

**Regular Meeting - Board of Education**

**Date:** June 11, 2015

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**Agenda Item #10. A.**

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**TOPIC:** Approval of Preliminary Budget for 2015-2016

**PURPOSE OF PRESENTATION:** The purpose of this presentation is to provide the Board and community with an overview of the 2015-16 preliminary budget.

**LEARNING OBJECTIVE:** As a result of this presentation, the Board will have an understanding of the 2015-16 preliminary budget.

**ACTION RECOMMENDED:** Approval.

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**Submitted By:**

Rochel Manders

**Name**

Director of Business Services

**Title**

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**Concurrence By:**



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**Dr. Mark Larson**

**Superintendent of Schools**

**Mahtomedi Public Schools**  
**Independent School District #832**  
**1520 Mahtomedi Avenue**  
**Mahtomedi, MN 55115**

**Regular Meeting - Board of Education**

**Date:** June 11, 2015

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**Agenda Item #10. B.**

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**TOPIC:** Approval of Resolution Relating to 2015-2016 Open Enrollment (Window #3)

**BACKGROUND:** There are four open enrollment application windows (February, April, June, and August) where enrollment numbers are looked at and it is determined whether or not grades should be closed to open enrollment. Open enrollment is used to balance out class sizes, fill grade levels, and use our buildings most efficiently.

**In February**, of the 282 applications that had been received in Window #1:

Grades K-5 – Wait Listed 47 Sibling/Employee Preference. Denied 141.

Grades 6-12 – Approved 9 Sibling/Employee Preference. Wait Listed 85.

Grades K-5 and 12 were closed. Of the 9 that were approved, 1 declined attendance.

**In April**, of the 126 applications that had been received in Window #1 and placed on the waiting list:

Grades K-5 – Approved 5 Sibling/Employee Preference

Grades 6-12 – Approved 32

Of the 49 applications that were received in Window #2:

Grades K-5 – Wait Listed 4 Sibling/Employee Preference. Denied 19

Grades 6-12 – Approved 1 Sibling/Employee Preference. Wait Listed 25

Grades K-5 and 12 remained closed. Of the 37 that were approved, 4 declined attendance.

**RECOMMENDATION:** Of the 131 applications that remain on the waiting list from Windows #1 and #2, the recommendation is as follows:

Grades 6-12 – Approve 9 (10<sup>th</sup>)

Of the 15 applications that have been received in Window #3, the recommendation is as follows:

Grades K-5 – Deny 1 (K), 2 (2<sup>nd</sup>)

Grades 6-12 – Approve 1 Sibling/Employee Preference (9<sup>th</sup>), 2 (10<sup>th</sup>), 2 (11<sup>th</sup>). Wait List 7 (9<sup>th</sup>)

It is recommended that projected enrollment and the waiting list be revisited again in July

It is recommended that grades K-5 and 12 remain closed.

**ACTION RECOMMENDED:** The Board approve the resolution relating to 2015-16 Open Enrollment as presented.

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**Submitted By:**

*Mark Larson*

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**Name**

Superintendent of Schools

**Title**

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**Concurrence By:**

*Mark Larson*

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**Dr. Mark Larson**

**Superintendent of Schools**



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

**RESOLUTION RELATING TO 2015-2016 OPEN ENROLLMENT  
(Window #3 – June 1 Deadline)**

WHEREAS the State of Minnesota has established an enrollment options program permitting students to attend nonresident districts (Minnesota Statutes §124D.03), and

WHEREAS the State of Minnesota has also established criteria for school districts to approve or deny open enrollment applications based upon capacity of a program, excluding special education services; class, or school building (Minnesota Statutes § 124D.03 Subdivision 6).

WHEREAS the school board seeks to maintain continuity of programs, curriculum, and services through consistent student enrollment and recognizes that sufficient student enrollment ensures high quality course offerings for resident students as well as students enrolling under the enrollment options program, and

BE IT THEREFORE RESOLVED that the superintendent be authorized to approve children who have a sibling(s) that currently attend(s) as per Minnesota Statutes § 124D.03 Subdivision 5A. and children of employees as per school board policy 509-Enrollment of Nonresident Students, where grade capacity and class size permits additional student enrollment, and

BE IT FURTHER RESOLVED that open enrollment remain closed in grades K-5 and 12 for the 2015-2016 school year to applicants not given sibling or employee preference and applications received after June 1, 2015.

The motion for the adoption of the foregoing resolution was duly seconded by Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof: \_\_\_\_\_ and the following voted against: \_\_\_\_\_ whereupon said resolution was declared duly passed and adopted.

**Mahtomedi Public Schools**  
**Independent School District #832**  
**1520 Mahtomedi Avenue**  
**Mahtomedi, MN 55115**

**Regular Meeting - Board of Education**

**Date:** June 11, 2015

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**Agenda Item #10. C.**

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**TOPIC:** Approval of Policies

- 101-Legal Status of the School District
- 101.1-Name of the School District
- 102-Equal Educational Opportunity
- 103-Complaints – Students, Employees, Parents, Other Persons
- 410-Family and Medical Leave Policy
- 413-Harassment and Violence
- 414-Mandated Reporting of Child Neglect or Physical or Sexual Abuse
- 415-Mandated Reporting of Maltreatment of Vulnerable Adults
- 506-Student Discipline
- 522-Student Sex Nondiscrimination
- 524-Technology Acceptable Use and Safety Policy
- 616-School District System Accountability
- 806-Crisis Management Policy

**BACKGROUND:** MSBA provides for each school district sample policies that districts may accept as provided, make alterations, or ignore completely. Mahtomedi administration and the Policy Committee looked at each of the proposed policies in detail, brought them to the full Board for a first reading on April 9 and a second reading on May 14. The changes had been incorporated and the policies are unchanged since the second reading.

**ACTION RECOMMENDED:** Approval.

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**Submitted By:**

*Mark Larson*

**Name**

Superintendent of Schools

**Title**

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**Concurrence By:**

*Mark Larson*

**Dr. Mark Larson**

**Superintendent of Schools**



*Revised: 6/11/15 (MSBA Policy Review); 3/8/07*

*Adopted: 11/5/98*

## **101 LEGAL STATUS OF THE SCHOOL DISTRICT**

### **I. PURPOSE**

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

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

- A. The Mahtomedi Public Schools also known as Independent School District No. 832, Washington County, Minnesota, is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. The school district has been created for educational purposes.
- B. The legislature has authority to prescribe the school district's powers and privileges, its boundaries and territorial jurisdictions.
- C. The school district has only the powers conferred on it by the legislature; however, the school board's authority to govern, manage, and control the school district, to carry out its duties and responsibilities, and to conduct the business of the school district includes implied powers in addition to any specific powers granted by the legislature.

### **III. RELATIONSHIP TO OTHER ENTITIES**

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

#### **IV. POWERS AND AUTHORITY OF THE SCHOOL DISTRICT**

##### **A. Funds**

1. The school district, through its school board, has authority to raise funds for the operation and maintenance of its schools and authority to manage and expend such funds, subject to applicable law.
2. The school district has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
3. School district officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

##### **B. Raising Funds**

1. The school district shall, within the limitations specified by law, provide by levy of tax necessary funds for the conduct of schools, payment of indebtedness, and all proper expenses.
2. The school district may issue bonds in accordance with the provisions of Minn. Stat. Ch. 475, or other applicable law.
3. The school district has authority to accept gifts and donations for school purposes, subject to applicable law.

##### **C. Property**

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

##### **D. Contracts**

1. The school district is empowered to enter into contracts in the manner provided by law.

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

E. Textbooks, Educational Materials, and Studies

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

F. Actions and Suits

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

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

**Cross References:** Policy 201 (Legal Status of School Board)  
Policy 603 (Curriculum Development)  
Policy 604 (Instructional Curriculum)  
Policy 606 (Textbooks and Instructional Materials)  
Policy 705 (Investments)  
Policy 706 (Acceptance of Gifts)

Policy 801 (Equal Access to School Facilities)  
MSBA Service Manual, Chapter 3, Employee Negotiations  
MSBA Service Manual, Chapter 13, School Law Bulletin “F” (Contract  
and Bidding Procedures)



*Adopted: 6/11/15*

## **101.1 NAME OF THE SCHOOL DISTRICT**

### **I. PURPOSE**

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

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

Pursuant to statute, the official name of the school district is Independent School District No. 832. However, the school district is often referred to by other informal names. In order to avoid confusion and to encourage consistency in school district letterheads, signage, publications and other materials, the school board intends to establish a uniform name for the school district.

### **III. UNIFORM NAME**

- A. The name of the school district shall be the Mahtomedi Public Schools.
- B. The name specified above may be used to refer to the school district and may be shown on school district letterheads, signage, publications and other materials.
- C. In official communications and on school district ballots, the school district shall be referred to as Independent School District No. 832 (Mahtomedi), but inadvertent failure to use the correct name shall not invalidate any legal proceeding or matter or affect the validity of any document.

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



*Revised:* 6/11/15 (MSBA Policy Review)

*Adopted:* 12/8/05

## **102 EQUAL EDUCATIONAL OPPORTUNITY**

### **I. PURPOSE**

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the school district.

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

- A. It is the school district's policy to provide equal educational opportunity for all students. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation or age. The school district also makes reasonable accommodations for disabled students.
- B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to Mahtomedi School Board Policy 413, Harassment and Violence.
- C. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- D. It is the responsibility of every school district employee to comply with this policy conscientiously.
- E. Any student, parent or guardian having any questions regarding this policy should discuss it with the appropriate school district official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the superintendent.

***Legal References:*** Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

***Cross References:*** Policy 402 (Disability Nondiscrimination)  
Policy 413 (Harassment and Violence)  
Policy 521 (Student Disability Nondiscrimination)  
Policy 522 (Student Sex Nondiscrimination)



Adopted: 6/11/15

## **103 COMPLAINTS – STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS**

### **I. PURPOSE**

The school district takes seriously all concerns or complaints by students, employees, parents or other persons. If a specific complaint procedure is provided within any other policy of the school district, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

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

- A. Students, parents, employees or other persons, may report concerns or complaints to the school district. While written reports are encouraged, a complaint may be made orally. Any employee receiving a complaint shall advise the principal or immediate supervisor of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the superintendent. A person may file a complaint at any level of the school district; i.e., principal, superintendent or school board. However, persons are encouraged to file a complaint at the building level when appropriate.
- B. Depending upon the nature and seriousness of the complaint, the supervisor or other administrator receiving the complaint shall determine the nature and scope of the investigation or follow-up procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the superintendent who shall determine whether an internal or external investigation should be conducted. In either case, the superintendent shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator concerning the status or outcome of the matter.
- C. The appropriate administrator shall respond to the complaining party concerning the outcome of the investigation or follow up, including any appropriate action or corrective measure that was taken. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other law.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

***Cross References:*** Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)  
Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
Policy 413 (Harassment and Violence)  
Policy 514 (Bullying Prohibition)  
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records – Privacy – Access to Data)



Revised: 6/11/15 (MSBA Policy Review)

Adopted: 10/8/09

## **410 FAMILY AND MEDICAL LEAVE POLICY**

### **I. PURPOSE**

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

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

The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the FMLA and consistent with the requirements of the Minnesota parenting leave laws.

### **III. DEFINITIONS**

A. “Covered active duty” means:

1. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

B. “Covered service member” means:

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

- C. “Eligible employee” means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee’s fulfillment of his or her National Guard or Reserve military service obligation or a written agreement, including a collective bargaining agreement, exists concerning the school district’s intention to rehire the employee after the break in service.
- D. “Next of kin of a covered service member” means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member’s next of kin, and the employee may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member’s only next of kin.
- E. “Outpatient status” means, with respect to a covered service member, the status of a member of the Armed Forces assigned to:
1. a military medical treatment facility as an outpatient; or
  2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- F. “Qualifying exigency” means a situation where the eligible employee seeks leave for one or more of the following reasons:
1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
  2. to attend military events and related activities of a covered military member;
  3. to address issues related to childcare and school activities of a covered military member’s child;
  4. to address financial and legal arrangements for a covered military member;
  5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
  6. to spend up to five days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
  7. to attend post-deployment activities related to a covered military member; and
  8. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.

- G. “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:
1. inpatient care in a hospital, hospice, or residential medical care facility; or
  2. continuing treatment by a health care provider.
- H. “Veteran” has the meaning given in 38 U.S.C. § 101.

#### **IV. LEAVE ENTITLEMENT**

##### **A. Twelve-week Leave**

1. Eligible employees are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:
  - a. birth of the employee’s child and to care for such child;
  - b. placement of an adopted or foster child with the employee;
  - c. to care for the employee’s spouse, son, daughter, or parent with a serious health condition;
  - d. the employee’s serious health condition makes the employee unable to perform the functions of the employee’s job; and/or
  - e. any qualifying exigency arising from the employee’s spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
2. For the purposes of this policy, “year” is defined as a rolling 12-month period measured backward from the date an employee’s leave is to commence.
3. An employee’s entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
4. A “serious health condition” typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
5. A “serious injury or illness,” in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
  - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and

that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

- b. a "serious injury or illness," in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces) and that manifested itself before or after the member became a veteran.
6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; because of the employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.
  7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
  8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
  9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
  10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, parent, or covered service member

being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.

11. The school district may require that a request for leave under Paragraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
12. During the period of a leave permitted under this policy, the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school district for the cost of the health plan premiums paid by it.
13. The school district may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. The superintendent shall be responsible to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

The school district shall comply with written notice requirements as set forth in federal regulations.

14. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

B. Six-week Leave

An employee who does not qualify for parenting leave under Paragraphs IV.A.1.a. or IV.A.1.b. above may qualify for a six-week unpaid parenting leave for birth or adoption of a child. The employee may qualify if he or she has worked for the school district for at least 12 consecutive months and has worked an average number of hours per week equal to one-half of the full time equivalent. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs.

C. Twenty-six-week Service Member Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a service member includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs IV.A. and IV.C. above.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered service member and ends 12 months after that date.
4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered service member with a serious injury or illness.
5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.
6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered service member and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.

7. The provisions of Paragraphs IV.A.7., IV.A.10., IV.A.12., IV.A.13., and IV.A.14. above shall apply to leaves under this section.

## **V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES**

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than 20 percent of the work days in the leave period may be required to:
  1. take leave for the entire period or periods of the planned medical treatment; or
  2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
  1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.
  2. If the employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
  3. If the employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, school district may require the employee to continue taking leave until the end of the semester.
- D. The entire period of leave taken under the special rules will be counted as leave. The school district will continue to fulfill the school district's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

## **VI. OTHER**

- A. The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.
- B. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

## **VII. DISSEMINATION OF POLICY**

- A. This policy shall be posted on the school district's website.
- B. This policy will be reviewed at least annually for compliance with state and federal law.

**Legal References:** Minn. Stat. §§ 181.940-181.944 (Parenting Leave)  
10 U.S.C. § 101 *et seq.* (Armed Forces General Military Law)  
29 U.S.C. § 2601 *et seq.* (Family and Medical Leave Act)  
38 U.S.C. § 101 (Definitions)  
29 C.F.R. Part 825 (Family and Medical Leave Act)

**Cross References:** MSBA Service Manual, Chapter 13, School Law Bulletin "M" (Statutory Provisions Which Grant Leaves to Licensed as well as Non-Licensed School District Employees – Family and Medical Leave Act Summary)



*Revised: 6/11/15 (MSBA Policy Review); 5/13/10*

*Adopted: 2/12/09*

## **413 HARASSMENT AND VIOLENCE**

### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

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

- A. The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any pupil, teacher, administrator, or other school personnel of the school district harasses a pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)
- C. A violation of this policy occurs when any pupil, teacher, administrator, or other school personnel of the school district inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed,

religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who is found to have violated this policy.

### III. DEFINITIONS

- A. “Assault” is:
1. an act done with intent to cause fear in another of immediate bodily harm or death;
  2. the intentional infliction of or attempt to inflict bodily harm upon another; or
  3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. “Harassment” prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual’s or group of individuals’ race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  2. has the purpose or effect of substantially or unreasonably interfering with an individual’s work or academic performance; or
  3. otherwise adversely affects an individual’s employment or academic opportunities.
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
1. “Disability” means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
    - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
    - b. has a record of such an impairment; or
    - c. is regarded as having such an impairment.
  2. “Familial status” means the condition of one or more minors being domiciled with:
    - a. their parent or parents or the minor’s legal guardian; or
    - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to

any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

3. “Marital status” means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
4. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.
5. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
6. “Sexual orientation” means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.
7. “Status with regard to public assistance” means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

E. Sexual Harassment; Definition

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
  - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
  - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education; or
  - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
2. Sexual harassment may include, but is not limited to:
  - a. unwelcome verbal harassment or abuse;
  - b. unwelcome pressure for sexual activity;

- c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of pupil(s) by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of gender.

F. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
2. Sexual violence may include, but is not limited to:
  - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
  - b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
  - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
  - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

G. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a pupil, teacher, administrator, or other school personnel of the school district, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a pupil, teacher,

administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent.

- B. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. School district personnel who fail to inform the building report taker of a report of harassment or violence in a timely manner may be subject to disciplinary action.
- C. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- D. In the District. The school board hereby designates the human resources supervisor as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- E. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- F. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed,

and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

## **V. INVESTIGATION**

- A. By authority of the school district, the human rights officer, upon receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall immediately undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators, or other school personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SCHOOL DISTRICT ACTION**

- A. Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.

- B. The result of the school district's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

## **VII. REPRISAL**

The school district will discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who retaliates against any person who makes a good faith report of alleged harassment or violence prohibited by this policy or any person who testifies, assists, or participates in an investigation, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

## **VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

## **IX. HARASSMENT OR VIOLENCE AS ABUSE**

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

## **X. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be posted on the school district's website.
- B. This policy shall be given to each school district employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

- F. This policy shall be reviewed at least annually for compliance with state and federal law.

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)  
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)  
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

**Cross References:** Policy 102 (Equal Educational Opportunity)  
Policy 401 (Equal Employment Opportunity)  
Policy 402 (Disability Nondiscrimination Policy)  
Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
Policy 406 (Public and Private Personnel Data)  
Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
Policy 506 (Student Discipline)  
Policy 515 (Protection and Privacy of Pupil Records)  
Policy 521 (Student Disability Nondiscrimination)  
Policy 522 (Student Sex Nondiscrimination)  
Policy 524 (Internet Acceptable Use and Safety Policy)  
Policy 525 (Violence Prevention)  
Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)



*Revised: 6/11/15 (MSBA Policy Review)*

*Adopted: 2/12/09*

## **414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE**

### **I. PURPOSE**

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

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

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect, or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

### **III. DEFINITIONS**

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
  - 1. is not likely to occur and could not have been prevented by exercise of due care; and
  - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Child Protection) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.

- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- E. “Neglect” means the commission or omission of any of the acts specified below, other than by accidental means:
1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child’s physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
  2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so;
  3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
  4. failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide his or her child with sympathomimetic medications;
  5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, or medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
  6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4, Clause (5);
  7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child’s basic needs and safety; or
  8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child’s behavior, emotional response, or cognition that is not within the normal range for the child’s age and stage of development, with due regard to the child’s culture.

Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child’s care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child’s health.

- F. “Nonmaltreatment mistake” means: (1) at the time of the incident, the individual was performing duties identified in the center’s child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a

similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.

- G. “Physical abuse” means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child’s care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child’s history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 121A.67 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.

Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child’s breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child’s behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (9) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or (10) in a school facility or school zone, an act by a person responsible for the child’s care that is a violation under Minn. Stat. § 121A.58.

- H. “School personnel” means professional employee or professional’s delegate of the school district who provides health, educational, social, psychological, law enforcement, or child care services.

- I. “Sexual abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution,

or use of a minor in a sexual performance. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).

- J. “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.
- K. “Person responsible for the child’s care” means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- L. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

#### **IV. REPORTING PROCEDURES**

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, or agency responsible for assisting or investigating maltreatment.
- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.
- C. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.

- D. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- E. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- F. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- G. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

## V. INVESTIGATION

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.
- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency

shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.

- D. Where the alleged perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

## **VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE**

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

## **VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE**

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

## **VIII. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall appear in school personnel handbooks.

- B. The school district will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)  
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)  
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)  
Minn. Stat. § 260C.007, Subd.4, Clause (5) (Child in Need of Protection)  
Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18)  
Minn. Stat. § 260D (Child in voluntary Foster Care for Treatment)  
Minn. Stat. § 609.02, Subd.6 (Definitions – Dangerous Weapon)  
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)  
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)  
Minn. Stat. § 609.379 (Reasonable Force)  
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)  
Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

**Cross References:** Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)



Adopted: 6/11/15

## **415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS**

### **I. PURPOSE**

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

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

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. It shall be a violation of this policy for any school personnel to fail to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

### **III. DEFINITIONS**

- A. “Mandated Reporters” means any school personnel who have reason to believe that a vulnerable adult is being or has been maltreated.
- B. “Maltreatment” means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. “Neglect” means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult’s health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.

- D. “Abuse” means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult’s will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.
- E. “Financial Exploitation” means a breach of a fiduciary duty by an actor’s unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor’s failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult’s funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult’s will for the profit or advantage of another.
- F. “Vulnerable Adult” means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services at or from a licensed facility which serves adults as set forth in Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or home care provider service; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual’s ability to adequately provide the person’s own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual’s self from maltreatment.

- G. “Caregiver” means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- H. “School Personnel” means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- I. “Immediately” means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

#### **IV. REPORTING PROCEDURES**

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the designated county entity.
- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The reporter shall to the extent possible identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose *not public data* as defined under Minn. Stat. § 13.02 to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting, or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

## V. INVESTIGATION

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

## VI. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbooks where appropriate.
- B. The school district will develop a method of discussing this policy with employees where appropriate.
- C. This policy shall be reviewed at least annually for compliance with state law.

**Legal References:** Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)  
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)  
Minn. Stat. §§ 609.221-609.224 (Assault)  
Minn. Stat. § 609.234 (Crimes Against the Person)  
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)  
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Stat. § 626.5572 (Definitions)  
*In re Kleven*, 736 N.W.2d 707 (Minn. App. 2007)

**Cross References:** Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)  
Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
Policy 406 (Public and Private Personnel Data)  
Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)



*Revised: 6/11/15 (MSBA Policy Review); 11/12/09; 8/10/00; 9/9/99; 8/19/99; 8/14/97; 11/10/94; 6/9/94; 6/17/93; 5/19/92; 10/12/89; 8/22/88; 8/24/87*

*Adopted: 8/11/86*

## **506 STUDENT DISCIPLINE**

### **I. PURPOSE**

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

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

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

### **III. AREAS OF RESPONSIBILITY**

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.
- B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
- C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

- F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

#### **IV. STUDENT RIGHTS**

All students have the right to an education and the right to learn.

#### **V. STUDENT RESPONSIBILITIES**

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state, and local laws;
- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;
- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

#### **VI. CODE OF STUDENT CONDUCT**

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any

student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

1. Violation of any local, state, or federal law as appropriate;
2. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
3. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
4. The use of profanity or obscene language, or the possession of obscene materials;
5. Gambling, including, but not limited to, playing a game of chance for stakes;
6. Violation of the school district's Hazing Prohibition Policy;
7. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
8. Violation of the school district's Student Attendance Policy;
9. Opposition to authority using physical force or violence;
10. Using, possessing, or distributing tobacco or tobacco paraphernalia including e-cigarettes or look-alike products;
11. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
12. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances, or look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student;
13. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
14. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
15. Violation of the school district's Weapons Policy;
16. Violation of the school district's Violence Prevention Policy;
17. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
18. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;

19. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
20. Possessing or using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
21. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
22. Violation of the school district's Internet Acceptable Use and Safety Policy;
23. Possession of nuisance devices or objects which cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;
24. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
25. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
26. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
27. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
28. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
29. Possession or distribution of slanderous, libelous, or pornographic materials;
30. Violation of the school district' Bullying Prohibition Policy;
31. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
32. Falsification of any records, documents, notes, or signatures;
33. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;
34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion;
35. Impertinent or disrespectful language toward teachers or other school district personnel;
36. Violation of the school district's Harassment and Violence Policy;
37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise

- endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;
38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
  39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
  40. Verbal assaults or verbally abusive behavior including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating, or that degrades other people;
  41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
  42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;
  43. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
  44. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

## **VII. DISCIPLINARY ACTION OPTIONS**

The general policy of the school district is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other school district personnel, and verbal warning;
- B. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;

- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Expulsion under the Pupil Fair Dismissal Act;
- S. Exclusion under the Pupil Fair Dismissal Act; and/or
- T. Other disciplinary action as deemed appropriate by the school district.

### **VIII. REMOVAL OF STUDENTS FROM CLASS**

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employees to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) consecutive periods.

B. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

C. Procedures for Removal of a Student From a Class.

In either the elementary or secondary schools, if a student is sent for removal, the teacher, principal or other school district employee will complete a verbal or written report describing the student's behavior. The student will be sent to the school office, behavior specialist, psychologist or case manager, guidance office, or school resource officer and remain in the custody of the building administrator or his/her designee until the process for return to class specified in Paragraph E is followed.

D. Responsibility for and Custody of a Student Removed From Class.

Teachers removing students from class are required to direct the student to the school office and notify or verify his or her arrival.

E. Procedures for Return of a Student to a Class From Which the Student Was Removed.

The student may return to class after a conference with the appropriate administrator, teacher, and/or the parent or guardian.

F. Procedures for Notification.

Parents and/or guardians of students removed from class will be notified as soon as practical of the rule violations that led to the removal, resulting disciplinary action, and conditions for re-admission.

G. Disabled Students; Special Provisions.

If necessary to insure a safe environment conducive to learning, a student with a disability may be removed from class for one or more activity periods in a day, not to exceed one full day without the removal constituting a suspension which invokes the rules and regulations regarding a change of placement.

H. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.

1. The school district shall establish a chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.26;
2. The school district shall establish a school and community advisory team to address chemical abuse problems in the district pursuant to Minn. Stat. § 121A.27; and

3. The school district shall establish teacher reporting procedures to the chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.29.

I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.

1. On-going, inappropriate behavior will be documented on the building referral form. Behavior and consequence will be described and parent will be contacted by school personnel.
2. School staff will contact parent/guardian to make them aware of ongoing concern(s) with their students. Staff will relay the school or classroom expectation and possible outcomes if behavior continues. Parents will be encouraged to discuss situation with their child and work with school personnel to address behavior proactively. A meeting with parent/guardian and school personnel to review the area of concern may occur.

J. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.

During the enrollment process, schools will gather as much information from parents as possible to determine any pre-existing academic, behavioral, or attendance concerns.

K. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.

1. School administrators will ensure the building is adequately supervised and that a system is in place for reporting behavior concerns, regardless of the time and day.
2. School administration will have a plan for reviewing attendance records on a regular basis and then act on attendance concerns in accordance with the appropriate county truancy program.
3. Schools should have a formal structure for teachers to discuss student behavior concerns that is clearly communicated and followed up by administration.
4. Schools must have a team including administration, counselors, the school nurse, and other staff as available to review student academic, attendance, behavior, and social/emotional concerns.
5. Schools may have staff assigned to intervene and support students early on as behavior concerns are surfacing.
6. Schools will work with district office chemical health support staff to assess student behavior and determine whether or not chemical issues are present.

7. Schools will work with district office personnel to engage and support students from all cultural backgrounds.
8. In conjunction with the special education process, schools will have regularly scheduled meetings to consider whether students with academic, behavioral, or social-emotional concerns might need to be assessed for special education services.
9. A formal structure should be created to share information as students transition between schools and grades to assist in continuous support and intervention.
10. Schools will communicate with parents about academic progress and encourage parents to assist in identifying concerns.

## **IX. DISMISSAL**

- A. “Dismissal” means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school district shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this policy;
2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

- C. Suspension Procedures

1. “Suspension” means an action by the school administration, under rules promulgated by the school board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however,

if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.

2. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.
4. A student with a disability may be suspended. When a student with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law,<sup>1</sup> relevant members of the student's IEP team, including at least one of the student's teachers, shall meet and determine the extent to which the student needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP. That meeting must

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<sup>1</sup> See Part XIII, below, if a discipline recommendation involves a change in placement.

occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.

5. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
6. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
7. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference.
8. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
9. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
10. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion

proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. “Expulsion” means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. “Exclusion” means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district’s intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student’s own choosing, including legal counsel at the hearing; (2) examine the student’s records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district shall advise the student’s parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.

9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any

evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.

18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

## **X. ADMISSION OR READMISSION PLAN**

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

## **XI. NOTIFICATION OF POLICY VIOLATIONS**

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

## **XII. STUDENT DISCIPLINE RECORDS**

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

## **XIII. DISABLED STUDENTS**

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

## **XIV. OPEN ENROLLED STUDENTS**

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of sixteen (16) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

## **XV. DISTRIBUTION OF POLICY**

The school district will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. This policy will be posted on the school district's website.

## **XVI. REVIEW OF POLICY**

The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.26 (School Preassessment Teams)  
Minn. Stat. § 121A.27 (School and Community Advisory Team)  
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)  
Minn. Stat. § 121A.582 (Reasonable Force)  
Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)  
Minn. Stat. § 123A.05 (Area Learning Center Organization)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.08 (Enrollment in Nonresident District)  
Minn. Stat. Ch.125A (Students With Disabilities)  
Minn. Stat. Ch. 260A (Truancy)  
Minn. Stat. Ch. 260C (Juvenile Court Act)  
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

**Cross References:** Policy 413 (Harassment and Violence)  
Policy 501 (School Weapons)  
Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
Policy 503 (Student Attendance)  
Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
Policy 514 (Bullying Prohibition Policy)  
Policy 524 (Internet Acceptable Use and Safety Policy)  
Policy 525 (Violence Prevention)  
Policy 526 (Hazing Prohibition)

Policy 527 (Student Use and Parking of Motor Vehicles; Patrols,  
Inspections, and Searches)  
Policy 610 (Field Trips)  
Policy 709 (Student Transportation Safety Policy)  
Policy 711 (Video Recording on School Buses)  
Policy 712 (Video Surveillance Other Than on Buses)



*Revised: 6/11/15 (MSBA Policy Review)*

*Adopted: 2/12/09*

## **522 STUDENT SEX NONDISCRIMINATION**

### **I. PURPOSE**

Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

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

- A. The school district provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.
- B. It is the responsibility of every school district employee to comply with this policy.
- C. The school board hereby designates Human Resources Supervisor, Nicole Flesner, 1520 Mahtomedi Avenue, Mahtomedi, MN 55115, Tel: (651) 407-2005 as its Title IX coordinators. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.

### **III. REPORTING GRIEVANCE PROCEDURES**

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. The school district encourages the reporting party or complainant to use the report

form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school district human rights officer or to the superintendent.

- B. In Each School Building. The building principal is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful sex discrimination toward a student shall inform the building principal immediately.
- C. Upon receipt of a report or grievance, the principal must notify the school district human rights officer immediately, without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the human rights officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- D. The school board hereby designates Human Resources Supervisor, Nicole Flesner, 1520 Mahtomedi Avenue, Mahtomedi, MN 55115, Tel: (651) 407-2005, as the school district human rights officers to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- E. The school district shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible,  
  
consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

#### **IV. INVESTIGATION**

- A. By authority of the school district, the human rights officer, upon receipt of a report,

complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.

- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student.
- E. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **V. SCHOOL DISTRICT ACTION**

- A. Upon conclusion of the investigation and receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

## **VI. REPRISAL**

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student or any person who testifies, assists or

participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

## **VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education.

## **VIII. DISSEMINATION OF POLICY AND EVALUATION**

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions and organizations.
- B. The school district shall review this policy and the school district's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

***Legal References:*** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)

***Cross References:*** Policy 102 (Equal Educational Opportunity)  
Policy 413 (Harassment and Violence)  
Policy 528 (Student Parental, Family, and Marital Status  
Nondiscrimination)



*Revised: 6/11/15 (MSBA Policy Review); 4/21/11; 10/8/09; 10/13/05; 3/8/01; 6/10/99*

*Adopted: 2/6/97*

## **524 TECHNOLOGY ACCEPTABLE USE AND SAFETY POLICY**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for acceptable and safe use of the school district's electronic technologies for guests, students, and school district personnel (users) and to set guidelines for acceptable use of the school district's computer systems, hardware and software, web-based applications, electronic communications, school district web sites, and the Internet.

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

In making decisions regarding student and employee access to the school district's electronic technologies, the school district considers its own stated educational mission, goals, and objectives. Technology skills are now fundamental to prepare students to become responsible global citizens. The school district expects that users will blend thoughtful use of electronic technologies and the Internet throughout the curriculum.

### **III. LIMITED EDUCATIONAL PURPOSE**

The school district is providing students and employees with access to the school district electronic technologies including Internet access. The school district systems have limited educational purpose, which includes use of the systems for classroom activities, educational research, collaboration, and professional or career development activities. Employees are required to follow data privacy policies and refrain from using email for communications containing private educational data or personnel data. Users are expected to use Internet access through the district systems to further educational and personal goals consistent with the mission of the school district and school policies. Employees may use the school district system for occasional personal needs consistent with other school board policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network. Users shall not use the Internet, or email, for advertising purposes or to promote personal causes.

### **IV. USE OF SYSTEM IS A PRIVILEGE**

The use of school district systems and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district systems or the Internet may result in one or more of

the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

## V. UNACCEPTABLE USES

- A. The following uses of school district systems and Internet resources or accounts are considered unacceptable:
1. Users will not use school district systems to access, review, upload, download, store, print, post, receive, transmit or distribute:
    - a. pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;
    - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, terroristic, disrespectful, or sexually explicit language;
    - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
    - d. information or materials that could cause damage or danger of disruption to the educational process;
    - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
  2. Users will not use school district systems or the Internet to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks consistent with school district and school policies.
  3. Users will not use the school district system to engage in any illegal act or violate any local, state or federal statute or law.
  4. Users will **not** use the school district system to do any of the following:
    - a. Vandalize, damage or disable the property of another person or organization.
    - b. Make deliberate attempts to degrade or disrupt equipment, software or system performance by loading, creating, or spreading computer viruses or by any other means.
    - c. Tamper with, modify or change school district systems, software, hardware, or wiring.
    - d. Take any action to violate, bypass or disable school district security and safety systems.

- e. Use school district systems to disrupt the use of the systems.
5. Users will not use school district systems to gain unauthorized access to information resources or to access another person's materials, information or files without the implied or direct permission of that person. Users also will not modify information created by others without their permission.
  6. Users will not engage in Cyberbullying. "Cyberbullying" means bullying using technology or other electronic communications, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
  7. Users will not use school district systems to post, transmit or distribute private information about another person, personal contact information about themselves or other persons, or other personally identifiable information including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable without permission. Users will not repost a message that was sent to the user privately without permission of the person who sent the message.
    - a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students.)
    - b. Employees creating or posting school district related publications, websites, and social media may not post personal contact information or other personally identifiable information about students unless:
      - (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515-Protection and Privacy of Pupil Records; or
      - (2) such information is not classified by the school district as directory information but consent for release of the

information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515-Protection and Privacy of Pupil Records.

These prohibitions specifically prohibit a user from utilizing the school district's systems to post personal information about a user or another individual on personal social networks.

8. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to school district systems or the Internet or both.
  9. Users will not use school district systems to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet. Users must assume that all communications and information accessible through the Internet is private property and copyright protected.
  10. Users will not use school district systems for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement.
  11. Users will not use school district systems for non-district supported software without the prior approval of the school district technology department.
  12. Users will not save personal photos, music, files, etc. unrelated to educational purposes on a district share/home folder for an extended period of time. Personal data saved on workstations may be removed if they degrade the performance of the workstation or other district systems.
  13. Users will not access the internal school district network, the Internet, or printers with personal electronic devices without prior approval.
- B. A student or employee engaging in any of the foregoing unacceptable uses of the Internet when off school district premises and without the use of the school district system may also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations

where the school district's systems are compromised or if a school district employee or student is negatively impacted. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to academic sanctions or disciplinary action for such conduct including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.

- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.
- D. A user must notify the district technology department if a user identifies a security problem with school district systems or on the Internet. The user should not demonstrate the problem to other users.
- E. Respect for privacy rights:
  - 1. Students may only use personal electronic devices to record sound, pictures, or video of classroom instruction with prior approval from the teacher or staff member. It may be inappropriate to record any conversations or exchanges of communications without the knowledge and consent of all participating persons.
  - 2. Students shall not photograph or videotape other individuals at school or at school sponsored activities without their knowledge and consent, except for activities considered to be in the public arena such as sporting events or public performances.
  - 3. Students shall not e-mail, post to the Internet, or other otherwise electronically transmit images of other individuals taken at school without consent.
  - 4. Use of cellular phones or other personal electronic devices is strictly prohibited in locker rooms and restrooms.

## **VI. DISTRICT WEB SITE**

- A. All communications and information accessible on Mahtomedi Public Schools' official websites are property of the school district.
- B. The principal of each school building or an administrator designee (i.e. district communications coordinator, district technology coordinator, etc.) shall approve content on their web page consistent with school district policy, procedures, and guidelines. The content of district-wide pages shall be approved by the superintendent.
- C. Individual student or staff web pages developed using school district systems or access shall be subject to this policy.

## **VII. FILTER**

- A. With respect to school district Internet access, the district will monitor and filter online activities of both minors and adults. The school district is required by Child Internet Protection Act (CIPA) to implement filtering measures that will block or filter Internet access to any visual depictions that are:
  - 1. Obscene;
  - 2. Child pornography; or
  - 3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
  - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
  - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. An administrator, supervisor or other person authorized by the superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

- E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.
- F. The school district reserves the right to block or filter sites that are deemed inappropriate for users or compromise the integrity of school district systems.

### **VIII. CONSISTENCY WITH OTHER SCHOOL POLICIES**

- A. Use of school district computer systems and use of the Internet shall be consistent with school district policies and the mission of the school district.

### **IX. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of school district systems, the school district does not relinquish control over materials on the systems or contained in files on the systems, whether onsite or offsite, or transmitted via the systems. Users should expect only limited privacy for personal content on school district systems.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents have the right at any time to investigate or review the contents of their child's files and e-mail.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files, online activity and e-mail. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minnesota Statutes, Chapter 13 (the Minnesota Government Data Practices Act). The school district archives employee email for a period of up to three years.
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

### **X. COMPUTER SYSTEMS AND INTERNET USE AGREEMENT**

- A. The proper use of the school district's computer systems and the Internet, and the educational value to be gained from their proper use, is the joint responsibility of students, parents, employees, and guests of the school district.

- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the school district's computer systems and the Internet.
- C. The Computer Systems and Internet Use Agreement form for students must be read and signed by the user and the parent or guardian upon beginning Wildwood Elementary School or O. H. Anderson Elementary School and yearly at Mahtomedi Middle School and Mahtomedi High School.
- D. The Computer Systems and Internet Use Agreement form for employees must be signed by the employee upon hire or change in policy. The form must then be filed at the District Office.
- E. Guest access to the wireless Internet will require digital verification that the user will abide by all district policies pertaining to acceptable and responsible use.

## **XI. LIMITATION ON SCHOOL DISTRICT LIABILITY**

Use of school district systems is at the user's own risk. The Mahtomedi Public Schools, their employees and agents, make no warranties of any kind, whether expressed or implied, regarding the service it is providing. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on school district systems or backup media, for delays or changes in service, for interruptions of service, or for mis-deliveries or non-deliveries of information or materials, regardless of the cause. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

## **XII. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to district computer systems and Internet use.
- B. This notification shall include the following:
  - 1. Notification that Internet use is subject to compliance with school district policies.
  - 2. Disclaimers limiting the school district's liability relative to:
    - a. Information stored on school district systems.
    - b. Information retrieved through school district computers, networks or online resources.

- c. Personal property used to access school district computers, networks or online resources.
  - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
  4. Notification that, even though the school district may use technical means to limit student or employee Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
  5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents and any financial obligation incurred by an employee through the Internet is the sole responsibility of the employee.
  6. Notification that the collection, creation, reception, maintenance and dissemination of data via the Internet, including electronic communications, is governed by Policy 435-Public and Private Personnel Data and Policy 509-Protection and Privacy of Pupil Records.
  7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, student or employee disciplinary action may be taken, and/or appropriate legal action may be taken.
  8. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.

### **XIII. PARENTS' RESPONSIBILITY: NOTIFICATION OF STUDENT COMPUTER SYSTEMS AND INTERNET USE**

Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies and other possibly offensive media. Parents are responsible for monitoring their student's use of school district systems and of the Internet if the student is accessing school district systems from home or a remote location.

### **XIV. IMPLEMENTATION: POLICY REVIEW**

- A. The school district administration may develop appropriate user notification forms, login banners, guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms and procedures shall be an addendum to this policy.

- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district computer systems, Internet policies and procedures are available for review by all parents, guardians, staff and members of the community.
- D. This policy will be annually reviewed and posted on the district website.

**Legal References:** 15 U.S.C. § 6501 *et seq.* (Children’s Online Privacy Protection Act)  
 17 U.S.C. § 101 *et seq.* (Copyrights)  
 20 U.S.C. § 6751 *et seq.* (Enhancing Education through Technology Act of 2001)  
 47 U.S.C. § 254 (Children’s Internet Protection Act of 2000 (CIPA))  
 47 C.F.R. § 54.520 (FCC rules implementing CIPA)  
 Minn. Stat. § 125B.15 (Internet Access for Students)  
 Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)  
*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*United States v. American Library Association*, 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)  
*Doninger v. Niehoff*, 527 F.3d 41(2<sup>nd</sup> Cir. 2008)  
*Tatro v. Univ. of Minnesota*, 800 N.W.2d 811 (Minn. App. 2011)  
*Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3<sup>rd</sup> Cir. 2011)  
*J.S. v. Bethlehem Area Sch. Dist.*, 807 A.2d 847 (Pa. 2002)

**Cross References:** Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 Policy 406 (Public and Private Personnel Data)  
 Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
 Policy 506 (Student Discipline)  
 Policy 514 (Bullying Prohibition Policy)  
 Policy 515 (Protection and Privacy of Pupil Records)  
 Policy 519 (Interviews of Students by Outside Agencies)  
 Policy 521 (Student Disability Nondiscrimination)  
 Policy 522 (Student Sex Nondiscrimination)  
 Policy 603 (Curriculum Development)  
 Policy 604 (Instructional Curriculum)  
 Policy 606 (Textbooks and Instructional Materials)  
 Policy 806 (Crisis Management Policy)  
 Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)



*Revised: 6/11/15 (MSBA Policy Review)*

*Adopted: 8/11/05*

## **616 SCHOOL DISTRICT SYSTEM ACCOUNTABILITY**

### **I. PURPOSE**

The purpose of this policy is to focus public education strategies on a process which promotes higher academic achievement for all students and ensures broad-based community participation in decisions regarding the implementation of the Minnesota Academic Standards and other state and federal mandates.

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

The school district will establish a system to review and improve instruction, curriculum, and assessment which will include substantial input by students, parents or guardians, and local community members. The school district will be accountable to the public and the state through annual reporting.

### **III. DEFINITIONS**

- A. “Credit” means a student’s successful completion of an academic year of study or a student’s mastery of the applicable subject matter, as determined by the school district.
- B. “Graduation Standards” means the credit requirements or Minnesota Academic Standards that school districts must offer and certify that students complete to be eligible for a high school diploma.
- C. “World’s best workforce” means striving to: meet school readiness goals; have all third grade students achieve grade-level literacy; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.

#### IV. ESTABLISHMENT OF GOALS; IMPLEMENTATION; EVALUATION AND REPORTING

##### A. School District Goals

1. The school board has established school district-wide goals which provide broad direction for the school district. Incorporated in these goals are the graduation and education standards contained in the Minnesota Academic Standards. The broad goals shall be reviewed annually and approved by the school board. The school board shall adopt annual goals based on the recommendations of the Advisory Committee for Comprehensive Continuous Improvement of Student Achievement (Advisory Committee).
2. The improvement goals should address recommendations identified through the Advisory Committee process. The school district's goal setting process will include consideration of individual site goals. School district goals may be developed through an education effectiveness program, an evaluation of student progress committee, or through some other locally determined process.

B. System for Reviewing All Instruction and Curriculum. Incorporated in the process will be analysis of the school district's progress toward implementation of the Minnesota Academic Standards. Instruction and curriculum shall be reviewed and evaluated by taking into account strategies and best practices, student outcomes, principal evaluations under Minn. Stat. § 123B.147, Subd. 3, and teacher evaluations under Minn. Stat. § 122A.40, Subd. 8, or 122A.41, Subd. 5.

##### C. District Curriculum Advisory Committee

1. The District Curriculum Advisory Committee will meet to advise and assist the school district in the implementation of the school district system accountability and comprehensive continuous improvement process.
2. The District Curriculum Advisory Committee will provide active community participation in:
  - a. Reviewing the school district instructional and curriculum plan with emphasis on implementing the World's Best Workforce;
  - b. Identifying annual instruction and curriculum improvement goals for recommendation to the school board;
  - c. Making recommendations regarding the evaluation process that will be used to measure school district progress toward its goals;
  - d. Making recommendations regarding graduation requirements.

3. The District Curriculum Advisory Committee shall meet the following criteria:
  - a. The District Curriculum Advisory Committee shall ensure active community participation in all planning for instruction and curriculum affecting Graduation Standards.
  - b. Building teams may be established as subcommittees to develop and implement an education effectiveness plan and to carry out methods to improve instruction, curriculum, and assessments as well as methods to use technology in meeting the school district improvement plan.
  - c. A local plan to evaluate student progress, using a local process, shall be used for developing a plan for assessment of student progress toward the Graduation Standards, as well as program evaluation data for use by the Advisory Committee in the instruction and curriculum review process. The World's Best Workforce plan shall annually be approved by the school board.
  
4. The District Curriculum Advisory Committee shall, when possible, be comprised of two-thirds community representatives and shall reflect the diversity of the community. Included in its membership should be:
  - a. The Director of Curriculum (or similar educational leader)
  - b. Principal
  - c. School Board Member
  - d. Student Representative
  - e. One teacher from each building or instructional level
  - f. One parent from each building or instructional level
  - g. Two residents without school-aged children, non-representative of local business or industry
  - h. Two residents representative of local business or industry
  - i. School District Test Administrator (if different from "a." above)
  
5. The Advisory Committee shall meet the following timeline each year:
 

Fall:	Organizational meeting of the Committee to review the authorizing legislation and the roles and responsibilities of the Committee as determined by the school board. Become familiar with the instruction and curriculum of the cycle content area.
Winter:	Review evaluation results and prepare recommendations.
Spring:	Present updates to administration.

- D. Reporting. Consistent with Minn. Stat. § 120B.36, Subd. 1, the school board shall provide a report by mail or by electronic means on the school district website. The school board shall hold an annual public meeting to review and revise, where appropriate, student achievement goals, local assessment outcomes, plans, strategies, and practices for improving curriculum and instruction, and to review school district success in realizing the previously adopted student achievement goals and related benchmarks and the improvement plans leading to the world's best workforce. Administration must transmit an electronic summary of its report to the Commissioner in the form and manner the Commissioner determines. The school district shall periodically survey affected constituencies about their connection to and level of satisfaction with school. The school district shall include the results of this evaluation in its summary report to the Commissioner.

**Legal References:** Minn. Stat. § 120B.02 (Educational Expectations for Minnesota's Students)  
Minn. Stat. § 120B.018 (Definitions)  
Minn. Stat. § 120B.11 (School District Process)  
Minn. Stat. § 120B.128 (Educational Planning and Assessment System (EPAS) Program)  
Minn. Stat. § 120B.35 (Student Achievement Levels)  
Minn. Stat. § 120B.36 (School Accountability; Appeals Process)  
Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)  
Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)  
Minn. Stat. § 123B.04 (Site Decision Making Agreement)  
Minn. Stat. § 123B.147, Subd. 3 (Principals)  
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)  
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)  
Minn. Rules Parts 3501.0800-3501.0815 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
20 U.S.C. § 6301, *et seq.* (No Child Left Behind Act)

**Cross References:** Policy 104 (School District Mission Statement)  
Policy 601 (School District Curriculum and Instruction Goals)  
Policy 613 (Graduation Requirements)  
Policy 614 (School District Testing Plan and Procedure)  
Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)  
Policy 617 (School District Ensurance of Preparatory and High School Standards)  
Policy 618 (Assessment of Student Achievement)  
Policy 619 (Staff Development for Standards)  
Policy 620 (Credit for Learning)



Revised: 6/11/15 (MSBA Policy Review)

Adopted: 6/8/00

## **806 CRISIS MANAGEMENT POLICY**

### **I. PURPOSE**

The purpose of this Model Crisis Management Policy is to act as a guide for school district and building administrators, school employees, students, school board members, and community members to address a wide range of potential crisis situations in the school district. Each school district should develop tailored building-specific crisis management plans for each school building in the school district, and sections or procedures may be added or deleted in those crisis management plans based on building needs.

The school district will, to the extent possible, engage in ongoing emergency planning within the school district and with first responders and other relevant community organizations. The school district will ensure that relevant first responders in the community have access to their building-specific crisis management plans and will provide training to school district staff to enable them to act appropriately in the event of a crisis.

### **II. GENERAL INFORMATION**

#### **A. The Policy and Plans**

The school district's Crisis Management Policy has been created in consultation with local community response agencies and other appropriate individuals and groups that would likely be involved in the event of a school emergency. It is designed so that each building administrator can tailor a building-specific crisis management plan to meet that building's specific situation and needs.

#### **B. Elements of the District Crisis Management Policy**

1. General Crisis Procedures. The Crisis Management Policy includes general crisis procedures for securing buildings, classroom evacuation, building evacuation, campus evacuation, and sheltering. The Policy designates the individual(s) who will determine when these actions will be taken. These district-wide procedures may be modified by building administrators when creating their building-specific crisis management plans. A communication system will be in place to enable the designated individual to be contacted at all times in the event of a potential crisis, setting forth the method to contact the designated individual, the provision of at least two designees when the contact person is unavailable, and the method to convey contact

information to the appropriate staff persons. The alternative designees may include members of the emergency response team. A secondary method of communication should be included in the plan for use when the primary method of communication is inoperable. Each building in the school district will have access to a copy of the Emergency Planning and Procedures Guide for Schools to assist in the development of building-specific crisis management plans. Finally, all general crisis procedures will address specific procedures for children with special needs such as physical, sensory, motor, developmental, and mental health challenges.

- a. Lock-Down Procedures. Lock-down procedures will be used in situations where harm may result to persons inside the school building, such as a shooting, hostage incident, intruder, trespass, disturbance, or when determined to be necessary by the building administrator or his or her designee. The building administrator or designee will announce the lock-down over the public address system or other designated system. Code words will not be used. Provisions for emergency evacuation will be maintained even in the event of a lock-down. Each building administrator will submit lock-down procedures for their building as part of the building-specific crisis management plan.
- b. Evacuation Procedures. Classroom and building evacuations shall be implemented at the discretion of the building administrator or designee. Campus evacuations shall be implemented at the discretion of the superintendent or designee. Each building's crisis management plan will include procedures for transporting students and staff a safe distance from harm to a designated safe area until released by the building administrator or designee. Safe areas may change based upon the specific emergency situation. The evacuation procedures should include specific procedures for children with special needs, including children with limited mobility (wheelchairs, braces, crutches, etc.), visual impairments, hearing impairments, and other sensory, developmental, or mental health needs. The evacuation procedures should also address transporting necessary medications for students that take medications during the school day.
- c. Sheltering Procedures. Sheltering provides refuge for students, staff, and visitors within the school building during an emergency. Shelters are safe areas that maximize the safety of inhabitants. Safe areas may change based upon the specific emergency. The building administrator or his or her designee will announce the need for sheltering over the public address system or other designated system. Each building administrator will submit sheltering procedures for his or her building as part of the building-specific crisis management plan.

2. Crisis-Specific Procedures. The Crisis Management Policy includes crisis-specific procedures for crisis situations that may occur during the school day or at school-sponsored events and functions. These district-wide procedures are designed to enable building administrators to tailor response procedures when creating building-specific crisis management plans.
3. Crisis Response Teams
  - a. Composition. The building administrator in each school building will select a crisis response team that will be trained to respond in an emergency. Team members should be trained to carry out the building's crisis management plans and will have knowledge of procedures, evacuation routes, and safe areas. Team members must be willing to be actively involved with resolving crises and available to assist when necessary, as determined by the building administrator. Each building will maintain, and update annually, a current list of crisis response team members in a location known by the building administrator and designee(s). A copy of the list also will be kept on file in the school district office.
  - b. Leaders. The building administrator or designee serves as the leader of the crisis response team and the primary contact for emergency response officials. The designee list should include more than one alternative designee and may include members of the emergency response team. When they are present, emergency response officials may take command and control of the crisis. In this situation, school officials must assume a resource role and be available to emergency response officials as necessary.

### **III. PREPARATION BEFORE AN EMERGENCY**

#### **A. Communication**

1. District Employees. Teachers generally have the most direct contact with students on a day-to-day basis. As a result, they must be aware of their role in responding to crisis situations. This also applies to non-teaching school personnel who have direct contact with students. All staff shall be aware of the school district's Crisis Management Policy and their own building's crisis management plan. Each school's building-specific crisis management plan shall include the method and dates of dissemination of the plan to its staff. Employees will receive a copy of the relevant building-specific crisis management plans and shall receive periodic training on plan implementation.
2. Students and Parents. Students and parents shall be made aware of the school district's Crisis Management Policy and relevant tailored crisis management plans for each school building. Each school district's building-specific crisis management plan shall set forth how students and parents are

made aware of the district and school-specific plans. Students shall receive specific instruction on plan implementation and shall participate in a required number of drills and practice sessions throughout the school year.

B. Planning and Preparing for Fire Response

1. Designate a safe area at least 50 feet away from the building and away from fire lanes for students and staff to evacuate to. The safe area should not be in an area where evacuated persons are exposed to any products of combustion.
2. Each building's facility diagram and site plan shall be available in appropriate areas of the building showing the most direct evacuation routes to the designated safe areas and the location of the fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs.
3. Teachers and staff will be trained regarding the primary emergency evacuation routes and alternate routes from various points in the building. During fire drills, students and staff will practice evacuations using primary evacuation routes and alternate routes. The school district will develop a universal signal to indicate a blocked entrance. When this signal is used, the responsible adult must immediately identify an alternate route.
4. Certain employees, such as those who work in hazardous areas in the building, will receive training on the locations and proper use of fire extinguishers and protective clothing and equipment.
5. Fire drills will be conducted periodically without warning at various times of the day and under different circumstances, e.g., lunchtime, recess, and during assemblies. State law requires a minimum of five fire drills each school year, consistent with Minn. Stat. § 299F.30. See Minn. Stat. § 121A.035.
6. A record of fire drills conducted at the building will be maintained in the building administrator's office.
7. The school district will have prearranged sites for emergency sheltering and transportation as needed.
8. The school district will determine which staff will remain in the building to perform essential functions if safe to do so. The school district also will designate an administrator or his or her designee to meet local fire or law enforcement agents upon their arrival.

C. Facility Diagrams and Site Plans

All school buildings will have a facility diagram and site plan that includes the location of primary and secondary evacuation routes, exits, designated safe areas inside and outside of the building, and the location of fire alarm control panel, fire

alarms, fire extinguishers, hoses, water spigots, and utility shut offs. All facility diagrams and site plans will be updated regularly and whenever a major change is made to a building. Facility diagrams and site plans will be maintained by the building administrator and on file in the school district office. Facility diagrams and site plans will be provided to first responders, such as fire and law enforcement personnel.

D. Emergency Telephone Numbers

Each building will maintain a current list of emergency telephone numbers and the names and addresses of local, county, and state personnel who may be involved in a crisis situation. The list will include telephone numbers for local police, fire, ambulance, hospital, the Poison Control Center, county and state emergency management agencies, local public works departments, local utility companies, the public health nurse, mental health/suicide hotlines, and the county welfare agency. A copy of this list will be kept on file in the school district office, or at a secondary location for single building school districts, and updated annually.

School district employees will receive training on how to make emergency contacts, including 911 calls, when the school district's primary telephone number and location is electronically conveyed to emergency personnel instead of the specific building in need of emergency services.

School district plans will set forth a process to internally communicate an emergency, using telephones in classrooms, intercom systems, or two-way radios, as well as the procedure to enable the staff to rapidly convey emergency information to a building designee. Each plan will identify a primary and secondary method of communication for both internal and secondary use. It is recommended that the plan include several methods of communication because computers, intercoms, telephones, and cell phones may not be operational or may be dangerous to use during an emergency.

E. Warning Systems

The school district shall maintain a warning system designed to inform students, staff, and visitors of a crisis or emergency. This system shall be maintained on a regular basis under the maintenance plan for all school buildings.

The building administrator shall be responsible for informing students and employees about the warning system and the means by which the system is used to identify a specific crisis or emergency situation. Each school's building-specific crisis management plan will include the method and frequency of dissemination of the warning system information to students and employees.

F. Early School Closure Procedures

The superintendent will make decisions about closing school or buildings as early in the day as possible. The early school closure procedures will set forth the criteria for early school closure (e.g., weather-related, utility failure, or a crisis situation),

will specify how closure decisions will be communicated to staff, students, families, and the school community (designated broadcast media, local authorities, e-mail, or district or school building web sites), and will discuss the factors to be considered in closing and reopening a school or building.

Early school closure procedures also will include a reminder to parents and guardians to listen to designated local radio and TV stations for school closing announcements, where possible.

G. Media Procedures

The superintendent has the authority and discretion to notify parents or guardians and the school community in the event of a crisis or early school closure. The superintendent will designate a spokesperson who will notify the media in the event of a crisis or early school closure. The spokesperson shall receive training to ensure that the district is in strict compliance with federal and state law relative to the release of private data when conveying information to the media.

H. Grief-Counseling Procedures

Grief-counseling procedures will set forth the procedure for initiating grief-counseling plans. The procedures will utilize available resources including the school psychologist, counselor, community grief counselors, or others in the community. Grief-counseling procedures will be used whenever the superintendent or the building administrator determines it to be necessary, such as after an assault, a hostage situation, shooting, or suicide. The grief-counseling procedures shall include the following steps:

1. Administrator will meet with relevant persons, including school psychologists and counselors, to determine the level of intervention needed for students and staff.
2. Designate specific rooms as private counseling areas.
3. Escort siblings and close friends of any victims as well as others in need of emotional support to the counseling areas.
4. Prohibit media from interviewing or questioning students or staff.
5. Provide follow-up services to students and staff who receive counseling.
6. Resume normal school routines as soon as possible.

**IV. MISCELLANEOUS PROCEDURES**

A. Chemical Accidents

Procedures for reporting chemical accidents shall be posted at key locations such as chemistry labs, art rooms, swimming pool areas, and janitorial closets.

B. Visitors

The school district shall implement procedures mandating visitor sign in and visitors in school buildings. See Policy 903-Visitors to School District Property and Facilities.

The school district shall implement procedures to minimize outside entry into school buildings except at designated check-in points and assure that all doors are locked prior to and after regular building hours.

C. Student Victims of Criminal Offenses at or on School Property

The school district shall establish procedures allowing student victims of criminal offenses on school property the opportunity to transfer to another school within the school district.

**Legal References:** Minn. Stat. Ch. 12 (Emergency Management)  
Minn. Stat. § 121A.035 (Crisis Management Policy)  
Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)  
Minn. Stat. § 299F.30 (Fire Drill in School)  
Minn. Stat. § 609.605, Subd. 4 (Trespasses on School Property)  
Minn. Rules Ch. 7511 (Fire Safety)  
20 U.S.C. § 1681, *et seq.* (Title IX)  
20 U.S.C. § 6301, *et seq.* (No Child Left Behind)  
20 U.S.C. § 7912 (Unsafe School Choice Option)  
42 U.S.C. § 5121 *et seq.* (Disaster Relief and Emergency Assistance)

**Cross References:** Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)  
Policy 413 (Harassment and Violence)  
Policy 501 (School Weapons Policy)  
Policy 506 (Student Discipline)  
Policy 532 (Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds)  
Policy 903 (Visitors to School District Property and Facilities)

**Mahtomedi Public Schools**  
**Independent School District #832**  
**1520 Mahtomedi Avenue**  
**Mahtomedi, MN 55115**

**Regular Meeting - Board of Education**

**Date:** June 11, 2015

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**Agenda Item #10. D.**

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**TOPIC:** Approval to Repeal Policies

- 425-Staff Development
- 430-Employment of Coaches for Extracurricular Assignments
- 431-Noncontract Grievance Procedure – Licensed Personnel
- 432-Teaching Improvement Program (TIP)
- 434-Instructional Assignments – Licensed Instructional Staff
- 435-Transfer – Licensed Instructional Staff
- 436-Non-Licensed Job Description Review Process
- 437-Retirement Savings Options
- 438-Administrative Supervision and Evaluation of Teachers

**BACKGROUND:** The policies listed above have been recommended by MSBA to be repealed. The policies have been presented to the Policy Committee who share the recommendation that these be repealed.

**ACTION RECOMMENDED:** Approval.

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**Submitted By:**

*Mark Larson*

**Name**

Superintendent of Schools

**Title**

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**Concurrence By:**

*Mark Larson*

**Dr. Mark Larson**

**Superintendent of Schools**

425 - STAFF DEVELOPMENT

I. PURPOSE

Effective professional development significantly impacts the achievement of students and is an integral part of the district's school improvement plan. Staff development improves teaching processes so that students learn effectively and efficiently.

II. AUTHORITY

The school board must annually authorize a district advisory staff development committee and staff development site teams. A majority of the district committee and site team members must be teachers representing various grade levels, subject areas, and special education

The district advisory committee must also include the director of learning and accountability, staff development coordinator, and representatives of the non-teaching staff: parents, paraprofessionals, and building principals.

Site teams must include the principal or supervising administrator from those sites. In addition, the association shall have the right to appoint one teacher member to each of the site teams.

III. ANNUAL PLAN

The district committee shall construct an annual plan for district-wide staff development and shall present such plan to the school board for approval. The plan will support the requirements of Minnesota Statutes 126.70, Article 8, Section 9 and related acts, and will address staff development related to the student outcomes identified in 122A.60, Subdivision 3 as follows:

- A. Improve student achievement of state and local education standards in all areas of the curriculum by using best practice methods.
- B. Effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, and gifted children, within the regular classroom and other settings.
- C. Provide an inclusive curriculum for a racially, ethnically, and culturally diverse student population that is consistent with the state education diversity rule and the district's education diversity plan.
- D. Improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district.

- E. Effectively teach and model violence prevention policy and curriculum that address issues of harassment, and teach nonviolent alternatives for conflict resolution.
- F. Provide teachers and other members of site-based management teams with appropriate management and financial management skills.

The annual plan must include assessment and evaluation data indicating progress toward district and site staff development goals.

*ADOPTED – February 12, 2004*

## 430 - EMPLOYMENT OF COACHES FOR EXTRACURRICULAR ASSIGNMENTS

### Purpose

This statement is provided to clarify procedures used in the employment of individuals to extracurricular athletic and nonathletic assignments in the school district. These procedures are intended to obtain the best qualified personnel available to serve as coaches and supervisors of these activities within constraints of the district's financial condition, current licensure requirements and the availability of qualified applicants.

### Background

Article IX, Section 1, of the Teachers' Master Agreement provides, "Additional assignments associated with additional compensation shall not be construed to be part of the continuing contract unless expressly provided as such in the individual contract".

As applied to extracurricular athletic and nonathletic assignments, this provision has been interpreted to mean that in the absence of a resignation or dismissal due to unsatisfactory performance, the individual holding an extracurricular assignment continues in that assignment upon being offered and accepting the separate extra-duty assignment contract. Technically, all extracurricular assignments are open every year in view of Article IX, Section 1, referenced above. However, this interpretation has been applied only to non-staff members holding such assignments. For purposes of clarification, the interpretation to be applied hereafter is that those positions posted are open, regardless of whether the incumbent is a school district staff member or a non-staff member. Non-staff incumbents in extracurricular assignments, athletic and nonathletic, will be required to reapply for these positions on an annual basis.

### Procedures

When a vacancy occurs in an extracurricular assignment as a result of resignation or removal for unsatisfactory performance, the following procedures will be followed:

1. Vacancies for head coaching positions will be posted internally and externally simultaneously.
2. Other vacancies will be posted through the superintendent's office to all buildings. If no applications are received from members of the staff, out-of-district agencies will also be used for posting of vacancies.
3. Letters of application will be submitted to the Athletic Director.
4. Applications will be interviewed by a committee consisting of:
  - a. Head coaching position - building administrator or designee, athletic director, superintendent.

- b. Assistant coaching position - building administrator or designee, head coach in that sport, athletic director.
5. The results of the interview selection process, along with the name of the recommended candidate, are to be submitted to the Superintendent of Schools for review. Where unanimity is not possible, minority reports are acceptable. Criteria to be included in the selection process include:
  - a. Past experience.
  - b. Qualifications.
  - c. Coaching philosophy.
  - d. Ability to work with students.
  - e. Areas of teaching licensure.
  - f. Credentials and recommendations.
6. Following consideration of the criteria to be included in the selection process, a current employee of the Mahtomedi School District who is properly licensed shall be appointed to fill the vacancy if and when all qualifications are considered equal to that of an external candidate.
7. Except in cases of emergency, school district staff members will be assigned no more than two (2) head coaching/supervisory extracurricular assignments, athletic and nonathletic, during a given school year. Staff members currently holding more than two extracurricular assignments are exempt from this provision. It shall apply, however, in filling future extracurricular vacancies effective with approval of these procedures.
8. Unsuccessful candidates are to be notified by the superintendent's office prior to publication of the final selection for a given position. Such notification will normally be done in writing, but could be done verbally.
9. Assignment to extracurricular duties will be made annually upon recommendation of the Athletic Director to the Superintendent of Schools following consultation with the appropriate building administrators. In so far as possible, staff members will receive notification of extracurricular assignments for the subsequent year prior to the close of the previous school year. Whenever possible, resignations from extracurricular assignments should be submitted in writing to the Athletic Director prior to June 1.

10. Extracurricular athletic and nonathletic programs and activities that are eliminated from the budget by School Board or administrative action will automatically result in the termination of an individual's appointment to that extracurricular assignment. Staff members terminated in such a manner will be granted first refusal rights should a program or activity be subsequently reinstated.

*ADOPTED – December 15, 1980*

*REVISED – September 13, 1990*

431 - NONCONTRACT GRIEVANCE PROCEDURE - LICENSED PERSONNEL

Section 1: Definition:

Grievance: A “grievance” is a complaint by a teacher or group of teachers based upon an alleged violation, misinterpretation or inequitable application of any of the existing policies, rules or regulations of the school district.

Days: “Days” regarding time periods in this procedure shall refer to school working days.

Section 2: Representative:

The teacher(s) may be represented during any step of the procedure.

Section 3: Time Limits:

Failure of the grievant to file any grievance within the time period provided herein shall be deemed a waiver thereof. If the teacher fails to appeal a grievance from one level to another within the time periods provided herein, shall constitute a waiver of the grievance.

Time limits may be extended by mutual agreement of the parties.

Section 4: Waiver of Step(s):

The parties, by mutual agreement, may waive any step in the grievance procedure.

Section 5: Procedure:

An effort shall first be made to adjust an alleged grievance informally between the teacher(s) and the building principal or immediate supervisor within twenty (20) days after the date of the event giving rise to the grievance.

If the teacher(s) is not satisfied with the disposition of the grievance through informal procedures, he/she may invoke the formal grievance procedure.

STEP I

The teacher(s) shall submit his/her grievance in writing to the building principal or immediate supervisor, describing the nature of the grievance, the particular policy, rule or regulation allegedly violated and the relief requested. Within five (5) days after receipt of the grievance, the principal or supervisor shall meet with the teacher(s), and his/her representative if so designated, in an effort to resolve the grievance. The principal or supervisor shall indicate his/her disposition of the grievance in writing within five (5) days of such meeting.

STEP II

If the teacher(s) is not satisfied with the disposition of the grievance as provided for in Step I, the decision may be appealed to the Superintendent of Schools, provided such appeal is made within five (5) days after receipt of the decision in Step I. Within five (5) days after receipt of the appeal, the Superintendent shall meet with the teacher(s) and his/her representative if so designated, and shall indicate disposition of the grievance in writing within five (5) days of such meeting.

STEP III

If the teacher(s) is not satisfied with the disposition of the grievance by the Superintendent of Schools, the decision may be appealed to the School Board, provided such appeal is made within five (5) days after receipt of the decision in Step II. The grievance shall be transmitted to the Board by filing a written copy thereof with the Clerk or Superintendent. The Board, no later than its next regular meeting if such meeting is scheduled at least five (5) days in the future or at the subsequent regular meeting, shall review the grievance.

The review shall be private (executive session) or public at the discretion of the teacher(s).

The disposition of the grievance in writing by the School Board shall be made no later than ten (10) days following the meeting with the grievant, and such decision shall be final.

In the event a grievance is filed after May 15 of any year and strict adherence to the time limits may result in hardship to any part, the School Board shall use its best efforts to process such grievance prior to the end of the school term or as soon thereafter as possible.

Section 6: Teacher Rights:

All documents, communications and records dealing with the processing of a grievance shall be filed separately from the personnel files of the applicants.

**432 - TEACHING IMPROVEMENT PROGRAM**

**I. PHILOSOPHY**

- A. High quality instruction is a priority of the Mahtomedi Public Schools.
- B. Learning is life-long in teaching; the development of new instruction-related skills and expansion of knowledge is ongoing throughout the career of a teacher.
  - 1. Many applicants apply for teaching vacancies; screening is thorough; and entry-level competencies are usually very evident. Thus, the primary thrust of the Teaching Improvement Program is to help teachers continue their learning.
  - 2. The goal is to bring about a good match between school district and personal needs to the end that performance will be improved and job satisfaction will be increased.
- C. The school board and administration have the responsibility for maintaining high-quality instruction through:
  - 1. Providing the conditions and materials necessary for effective instruction.
  - 2. Selecting, employing, and assigning teachers who are well qualified for their teaching responsibilities.
  - 3. Establishing educational goals and performance expectations.
  - 4. Conducting in-service programs to help all personnel involved understand the school district's goals and expectations as well as the Teaching Improvement Program (hereafter referred to as TIP.)
  - 5. Appointing well-qualified administrators who effectively provide the assistance called for in the TIP, providing them with the necessary assistance to become more effective, and monitoring their performance to assure that the TIP is implemented effectively and fairly.
  - 6. Providing systematic assistance to teachers to help them improve their instruction.
- D. The primary responsibility for assuring high quality instruction rests with the individual teacher. This program of observation and assistance by administrators is established to assist teachers in fulfilling this responsibility.
- E. The effectiveness of the improvement of instruction process is dependent upon the mutual respect and trust of teachers and administrators.
- F. Teachers and administrators can more effectively work together for improvement of instruction when both have a clear understanding of what is expected of them.
- G. More frequent observations by the administrator, with feedback, are likely to continue the improvement of instruction and may also enhance the working relationship between the administrator and the teacher.

- H. Assistance to teachers is most effective when it is positive, non- threatening, and stimulates self-improvement.
- I. All individuals involved in this improvement program must recognize that there are different teaching styles which can provide the desired quality of instruction, and that students benefit from exposure to a variety of effective teachers and teaching methods.
- J. In the instructional evaluation process, it must be recognized that student learning may be affected by factors such as, but not limited to, availability of materials and equipment, building facilities, student health, student attendance, student characteristics, class size, parental and community values, and educational climate, as well as by the teacher's instructional skills.

## **II. PURPOSES**

- A. The ultimate purpose of the TIP is increased student learning, growth, and development.
- B. The immediate purpose of the TIP is to provide a systematic program of classroom observation by administrators with feedback to the teacher and with assistance for improvement as appropriate.
- C. To enhance the teacher's instructional improvement this program must:
  - 1. Encourage and recognize personal and professional growth,
  - 2. Identify, reinforce and capitalize upon individual strengths, and
  - 3. Identify any instructional weaknesses so that assistance can be given.
- D. Other purposes served by the TIP will be:
  - 1. To bolster teacher self-confidence and personal pride,
  - 2. To provide periodic written records of teacher performance,
  - 3. To assess school district professional development needs,
  - 4. To help determine the need for curricular changes, and
  - 5. To help determine the need for changes in school conditions and/or operations.

## **III. MAIN FEATURES OF INSTRUCTIONAL IMPROVEMENT PROGRAM**

- A. Each year the teacher and administrator will jointly determine the annual goals and/or activities for the teacher's instructional improvement during that year.
- B. Each teacher will have informal observations by the administrator each year.
- C. Every fourth year, or more often as provided below, the teacher and administrator will work together on a concentrated basis involving the Professional Learning Plan, one formal observation, conferences and assistance, as well as a summary report by the administrator.

1. Similar concentrated observation and assistance will be provided to all probationary teachers during each year of the teacher's probationary period.
  2. Administrators may provide additional assistance on an occasional or concentrated basis whenever the teacher or the administrator perceives the need.
- D. The TIP will be based on Mahtomedi Teacher Evaluation Rubrics as listed in the *Teaching Improvement Program Administrative Manual*, which shall be annually reviewed and updated.
- E. Administrators will make available to teachers a variety of means of improving their instruction as appropriate to their needs and within budgetary constraints.
- F. The TIP shall be conducted in such a way that it does not take undue time from the teacher's primary task of teaching nor demand undue time from other duties of the administrators.
- G. The TIP shall be conducted in such a way that it does not stifle teacher creativity in achieving school district instructional goals.
- H. Under certain circumstances all or part of the TIP shall be provided by someone other than the regularly assigned administrators.
1. Specialized school district staff members, such as social workers and psychologists, may have observations and assistance provided by administrators other than their administrator or in addition to the administrator.
  2. When a teacher is shared by more than one building, one administrator shall have primary responsibility for coordinating the assistance and preparing a year-end summary report. However, other administrators may be involved in providing observations and assistance.

#### **IV. RECORDS**

- A. A written record of the jointly determined individual goals or improvement activities will be maintained by the administrator and a copy provided to the teacher.
- B. The summary report in years of concentrated evaluation shall be placed in the teacher's file in the personnel office.
1. Prior to its placement in the teacher's file, the teacher will be shown the report, and will sign it to show that he or she has seen the report.
  2. A teacher may respond to the summary report in writing, and the response will be placed in the teacher's file with the summary report.

*ADOPTED – September 14, 2006*

## **434 - INSTRUCTIONAL ASSIGNMENTS - LICENSED INSTRUCTIONAL STAFF**

### **I. GENERAL STATEMENT OF POLICY**

It is the policy of Independent School District No. 832 to recruit and select the best possible professional staff for available positions within the school district. Instructional positions shall be open to qualified applicants from either the professional staff or from outside the school district on an equal basis based upon the stipulations of this policy.

Responsibility of assignment and transfer of certificated personnel is delegated to the superintendent.

The school board reserves the right to assign a teacher in such grades or subjects for which the teacher has the necessary certification. The board also reserves the right to reassign or transfer a teacher in any grade or subject for which the teacher has the necessary certification.

### **II. DEFINITIONS**

- A. Internal Applicants - Licensed, professional staff currently employed by the school district on a long-term substitute or regular teaching contract. This does not include occasional substitutes, interns, or student teachers.
- B. External Applicants - Professional staff currently licensed or with pending licensure who are not currently employed by the school district on a regular or long-term substitute contract.
- C. Vacancy - A vacancy is an available professional position within the school district occasioned by a resignation, retirement, or a net increase in the number of sections or professional FTE within the elementary program, middle, or high schools.
- D. Transfers - A transfer occurs when an appropriately licensed staff member is assigned to a new grade level, program, or building within the school district. Transfers may be voluntary or involuntary.
- E. Qualifications - The qualifications of professional staff include the individual's experience, licensure, training and performance record.

### **III. PROCEDURES FOR FILLING VACANCIES**

- A. Vacancies that occur within the professional staff shall be opened to qualified applicants from either the professional staff or from outside the school district on an equal basis.
- B. Transfers may occur either before or after posting vacancies within the school district. Professional staff are encouraged to notify the building principal and District Office in writing by March 1 regarding their interest in potential transfers within their licensure.

- C. Vacancies shall be posted in all buildings and be opened to qualified internal and external applicants on an equal basis.
- D. The application process for vacancies shall be uniformly applied to all applicants from the day of posting of the vacancy through final selection.
  - 1. All of the qualifications being considered equal, an internal applicant shall be appointed to fill the vacancy.
  - 2. In the event that two internal applicants are considered equal and are the best qualified candidates, the individual with the longer term of service in the school district shall be appointed to fill the vacancy. The determination of length of service to the school district for tenured teachers shall be the teacher seniority list.
- E. In the event that a continuing contract teacher in the school district applies for and does not receive a vacancy, the teacher may request the reasons in writing from the administrator making the decision. In the event a teacher believes that he or she was equally qualified or better qualified and wishes a hearing, the teacher must make such a request in writing to the superintendent within five calendar days after receipt of the written notice.
- F. The superintendent shall provide an informal hearing within five calendar days after receipt of the request from the teacher. The teacher, administrator and representative from the local association may be present at the hearing. The superintendent shall issue a written decision within three calendar days of the informal hearing.
- G. The superintendent's decision may be reviewed by the school board or a committee thereof if requested by an internal applicant. This request must be submitted to the superintendent in writing within three calendar days after receiving written notice of the superintendent's decision following the informal hearing. The hearing with the school board shall be open unless the meeting is permitted to be closed based upon Minnesota's Open Meeting Law, M. S. 471.705. The teacher, administrator and their representatives may be represented at the hearing by counsel or exclusive representative. The school board or its committee shall issue a written decision within three calendar days of the hearing. In the event that the hearing is conducted by a committee of the full school board, the written decision of the committee shall be considered final and binding if ratified by the full board at its next regular meeting.

*ADOPTED – April 2, 1984*

*REVISED – January 21, 1985; March 12, 1992; October 9, 2003, December 14, 2006*



435 - TRANSFER – LICENSED INSTRUCTIONAL STAFF

- A. This policy shall apply to the movement of grades and students from one building to another on a permanent basis.
- B. In the event that such an event occurs in the school district, the district shall post a notice of each position created. The position posting shall state the required licensure and desired qualifications. The position shall remain posted for ten working days.
- C. A teacher in the school district may apply for any of the positions posted. Such applications must be received no later than the close of the posting period. In the event more than one teacher applies for a particular position, the school district may choose from the applicants.
  - 1. A teacher not selected for a position may, upon request, receive the reasons in writing from the administrator responsible for the decision. The affected teacher must request the written reasons within two working days from the written notice of denial. The written reasons shall be presented within three working days of the request.
  - 2. A teacher denied a position who has requested written reasons may appeal the denial to the School Board within two working days after receipt of the written reasons. The School Board or a committee appointed by the Board shall meet with the teacher and administrator to consider the reasons for the denial. The School Board shall either affirm or deny the decision of the administrator. The decision of the School Board shall be final.
- D. In the event that no applications are received, the school district shall assign the least senior teacher with appropriate licensure at the close of the positing period.
- E. This policy shall not apply to vacancies created by resignation, retirement and/or leave of absence.

*ADOPTED – BOARD OF EDUCATION  
April 2, 1984*

436 - NON-LICENSED JOB DESCRIPTION REVIEW PROCESS

I. PURPOSE

The purpose of this policy is to provide non-licensed school district employees the opportunity to have their job performance evaluated and job description reviewed annually.

II. GENERAL STATEMENT OF POLICY

The Pay Equity Act of 1984 requires all public jurisdictions to establish equitable compensation relations between male and female job classes. Every three years, the Mahtomedi Public Schools is required to report its pay rates, job rates, and pay program to the State of Minnesota Department of Employee Relations who is responsible for administering the law and determining school district compliance.

A major requirement of the Pay Equity Act suggests that being in compliance in and of itself is not sufficient with the intent of the law. Job evaluation systems must be maintained on an on-going basis and the State of Minnesota is notified of changes in either the system or how it operates.

One necessary step to “maintain” our pay equity program and to assure compliance with the law is the establishment of a process for on-going review of both job descriptions and the job rating assignment of each school district position. The school district also has a written and formal process for communication to administrators, managers, supervisors, and employees regarding their roles in the process and the school district’s expectations. The Superintendent has the responsibility for assuring administrators/managers have implemented their responsibilities under the job evaluation review process.

III. PROCEDURE

1. It will be the responsibility of each supervisor to conduct an annual job performance evaluation with each employee they supervise. The Human Resources Department will send out the performance evaluation forms every January to initiate the performance evaluation process (see attached diagram).
2. At the time of the performance evaluation, if a job has changed significantly and the job description needs to be revised, the supervisor and the employee complete the “Job Description Review Form.” It is the responsibility of the supervisor to schedule a meeting with the employee(s) in that job to discuss the nature of the changes requested.
3. A “Job Description Review Form” process may be initiated at any time of the year by the supervisor and/or employee.

4. The supervisor submits the “Job Description Review Form” (if necessary) and supporting materials to the Human Resources Department within thirty (30) days of the performance evaluation.
5. After job descriptions have been updated, the Superintendent and/or her/his designee will have the initial responsibility of rejecting reviews which lack substance and/or where organizational conflicts may result. If it is determined by the Superintendent and/or her/his designee that further review is needed, then those job descriptions will be forwarded to the school district’s consultant for review and ranking.
6. Any rating changes or recommendations will be presented to the School Board by the Human Resources Department for adoption and approval.
7. If there is a change in pay as a result of a change of a review by the job evaluation consultant, the new pay scale will become effective the day after the School Board approves the new job description.
8. If a job is assigned a new job ranking that is not covered by the existing contract, then the school district and bargaining unit will enter into a “Memo of Understanding” for the new pay rate until the contract is reopened.
9. It will be the responsibility of the Human Resources Department to implement the adopted job ratings, to maintain current job descriptions for all school district positions, and to supply all supervisors the materials and forms needed to perform their review duties annually.
10. The Human Resources Department will inform each employee concerning the outcome of their job description review.

*ADOPTED – May 14, 1998*

## 437 - RETIREMENT SAVINGS OPTIONS

### I. PURPOSE

The purpose of this policy is to authorize the school district to create a Post Retirement Health Care Savings Plan, Special Pay Deferral Plan, or similar retirement savings option in compliance with Minnesota Statutes, Section 352.98 (2001).

### II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to provide compensation and fringe benefits to its employees as negotiated with the exclusive representatives of bargaining units. Employees covered by a collective bargaining agreement may negotiate the terms and conditions of a Post Retirement Health Care Savings plan, a Special Pay Deferral Plan, or similar retirement savings option with the school district.

For those employees not included in a bargaining unit, the school district may develop a personnel policy that governs the terms and conditions of a Post Retirement Health Care Savings Plan, a Special Pay Deferral Plan, or a similar retirement savings option.

The Post Retirement Health Care Savings Plan is authorized to enable employees to make contributions into a trust to provide employee access to a tax-free post-retirement health care reimbursement account. The Special Pay Deferral Plan uses IRS Code Sections 401(a) and 403(b) to save the school district and the employee taxes at retirement.

### III. CONTRIBUTIONS

Contributions to the plan shall be determined through a personnel policy and/or through a collective bargaining agreement. Management fees will be the responsibility of the participating employees.

Contributions to a Post Retirement Health Care Savings Plan by the employee shall be held in trust for reimbursement of employee and dependent health-related expenses following retirement from public employment. Contributions to a Special Pay Deferral Plan by the employee shall be deposited into a fixed annuity account. Contributions to a similar retirement savings option will be determined by the plan requirements.

### IV. INVESTMENT OPTIONS

Under a Post Retirement Health Care Savings Plan, a limited range of investment options may be available. Each employee may direct the investment of the accumulations in the employee's account among these investment options. Where assets are deposited into a principal protected fixed account, employees will receive a guaranteed rate of return.

V. REIMBURSABLE EVENTS

Under a Post Retirement Health Care Savings Plan, health-related reimbursements are available upon the following events: termination of public employment, eligibility for retirement system disability benefit, taking a medical leave for six months or more, or taking a leave of absence for over one year.

Under a Special Pay Deferral Plan, retirees may keep all of the deposit in the fixed account, where it will grow tax deferred; may borrow against the fixed account balance; may move all or a portion of the money into a variable account on a tax-deferred basis; and/or may withdraw all or a portion of their account balance, subject to mandatory federal withholding.

Legal References: Minnesota Statute §252.98 (Post Retirement Health Care Savings Plan)

*ADOPTED – November 13, 2003*

**438 – ADMINISTRATIVE SUPERVISION AND EVALUATION OF TEACHERS**

**I. PHILOSOPHY**

- A. The community, parents, school board members and staff of the Mahtomedi Public Schools are committed to the continuation of the school district's strong educational program.
  - 1. The primary responsibility for high quality instruction rests with the individual teacher.
  - 2. A systematic program for the improvement of instruction is critical to strengthening the overall education program.
  - 3. Ongoing supervision of employees in the performance of their work, including appropriate discipline for just cause, is a management responsibility in maintaining a strong educational program.
  - 4. Formal evaluation, with possible termination, is an additional management responsibility in maintaining a strong educational program.
  - 5. The conduct of supervision and evaluation activities shall be consistent with relevant provisions of the teacher contract and state statutes.

**II. PURPOSES**

- A. The major purpose of supervision and formal evaluation is to ensure that performance expectations are being met on a consistent basis.
- B. Ongoing supervision also supplies information for possible modification of responsibilities such as selection for a leadership position or adjustment of the teaching assignment.

**III. EVALUATION REQUIREMENTS**

- A. Ongoing evaluation shall occur through regular contact and interaction in school activities.
- B. Periodic intervention and appropriate discipline for just cause shall occur when necessary to ensure that performance expectations are met.
  - 1. In most instances, a problem that is identified in a performance area may be appropriately addressed as part of the Teaching Improvement Program (TIP).

2. In some instances, disciplinary action may be deemed appropriate in addition to or in lieu of addressing the problem under TIP. As provided in the teacher master contract, disciplinary action may include:
  - a. Verbal warning
  - b. Written warning
  - c. Suspension with or without pay, by action of the School Board.

#### **IV. EVALUATION PROCESS**

- A. Formal evaluation involving intensive assistance shall be administered in accordance with the attached Continuing Contract Teacher Assistance Plan.
- B. Actions taken shall be consistent with appropriate provisions of law.

#### **V. WRITTEN RECORDS**

Written reports developed under this policy shall be clearly identified as occurring under this policy. A copy of any reports submitted for inclusion in the teacher's school district personnel folder shall also be given to the teacher. Written comments by the teacher shall be attached to the file copy, if submitted.

#### **VI. ASSISTANCE IN SUPERVISION AND EVALUATION**

- A. The superintendent, in consultation with the teaching and administrative staff, shall develop and initiate rules and procedures to implement this policy.
- B. The administration shall provide leadership in orienting teachers and administrators to the policy and procedures and shall provide appropriate training for administrators to carry out supervision and evaluation requirements.

#### **VII. REVIEW OF POLICY**

- A. Once in operation, the supervision and evaluation policy shall be reviewed within two years and thereafter at least every five years.
- B. The administration and teachers shall be involved in the review of the policy.

*ADOPTED – September 14, 2006*

INDEPENDENT SCHOOL DISTRICT #832

MAHTOMEDI, MINNESOTA

TREASURER'S REPORT

MONTH ENDING 4/30/15

	CLOSING BALANCE 3/31/15	RECEIPTS	A/P DISBURSEMENT	PAYROLL DISBURSEMENTS	JOURNAL ENTRY TRANSFERS	BALANCE AS OF 04/30/15
GENERAL FUND (01)	4,402,117.42	3,238,205.44	(1,386,840.14)	(1,078,309.86)	(341,555.37)	4,833,617.49
FOOD SERVICE FUND (02)	588,007.93	145,854.28	(118,459.66)	0.00	0.00	615,402.55
COMMUNITY EDUCATION FUND (04)	642,691.87	147,145.10	(61,141.99)	(53,462.55)	(3,717.57)	671,514.86
DEBT SERVICE FUND (07)	1,136,764.58	266.35	0.00	0.00	0.00	1,137,030.93
INTERNAL FUND (20)	694,144.53	8,200.25	(348,482.22)	0.00	353,959.95	707,822.51
DONATIONS (25)	842,300.42	16,728.68	(17,786.82)	0.00	(11,531.32)	829,710.96
ACTIVITIES (50)	220,508.77	35,453.62	(34,093.49)	0.00	(1,863.78)	220,005.12
OPEB TRUST FUND (45)	2,274,433.04	0.00	0.00	0.00	(20.83)	2,274,412.21
OPEB DEBT SERV (47)	41,808.11	0.00	0.00	0.00	0.00	41,808.11
	<b>10,842,776.67</b>	<b>3,591,853.72</b>	<b>(1,966,804.32)</b>	<b>(1,131,772.41)</b>	<b>(4,728.92)</b>	<b>11,331,324.74</b>
<b>BANK</b>	<b>BANK STATEMENT</b>	<b>OUTSTANDING (-) CHECKS</b>	<b>OUTSTANDING (+) DEPOSITS</b>	<b>OUTSTANDING WIRES</b>	<b>BANK BALANCE 04/30/15</b>	
MSDLAF Acct# 1289	991,300.19		22,341.46	(390,629.78)	623,011.87	
MSDLAF Acct# 1521 checking	244,375.27	(112,466.83)			131,908.44	
MN TRUST-OPERATING (30822-101)	8,301,992.22				8,301,992.22	
					0.00	
					0.00	
					0.00	
					0.00	
					0.00	
					0.00	
MN TRUST-OPEB TRUST (30822-301) 45-101-00	2,274,412.21				2,274,412.21	
<b>TOTAL</b>	<b>11,812,079.89</b>	<b>(320,452.91)</b>	<b>32,419.27</b>	<b>(390,629.78)</b>	<b>11,331,324.74</b>	

**FY15 May 2015 CHECK REGISTER - BANK 02**

Bank	Date	Check #	Ck Amt	Vendor #	Addr	Description	Status
2	05/01/2015	387784	68.16	00094	0	AMERICAN FAMILY ASSURANCE	Cleared
2	05/01/2015	387785	790.00	01556	0	MAHTOMEDI AREA EDUC.FOUNDATION	Cleared
2	05/01/2015	387786	9.90	01888	0	NATIONAL INSURANCE SERVICES OF WI INC	Cleared
2	05/01/2015	387787	320.00	01740	0	NCPERS MINNESOTA-179220	Cleared
2	05/01/2015	387788	714.00	02017	0	OFFICE & PROFESSIONAL	Cleared
2	05/01/2015	387789	905.20	02048	0	OPERATING ENGINEERS LOCAL #70	Cleared
2	05/07/2015	387790	95.70	00009	0	AAA AWARDS	Cleared
2	05/07/2015	387791	223.79	00149	0	APPERSON	Cleared
2	05/07/2015	387792	300.00	09642	0	BRAD ANDERSON	Cleared
2	05/07/2015	387793	244.00	10153	0	BRUCE CEDARHOLM STARIHA	
2	05/07/2015	387794	85.00	04738	0	BRUCE DJOCK REPAIR	Cleared
2	05/07/2015	387795	146.00	09171	0	BRYAN BASNIGHT	
2	05/07/2015	387796	429.99	00409	0	CARLEX INC	Cleared
2	05/07/2015	387797	300.00	10499	0	CARREL KUEHN	Cleared
2	05/07/2015	387798	602.60	00437	0	CDW GOVERNMENT INC	Cleared
2	05/07/2015	387799	109.78	07299	0	COBORNSDELIVERS LLC	Cleared
2	05/07/2015	387800	989.97	00599	0	DALCO	Cleared
2	05/07/2015	387801	75.00	08646	0	DAVE MALLEY	Cleared
2	05/07/2015	387802	75.00	05582	0	DAVE WILES	Cleared
2	05/07/2015	387803	300.00	10501	0	DAVID HIRSCH	Cleared
2	05/07/2015	387804	800.00	03730	0	DAVID STEVENS	Cleared
2	05/07/2015	387805	1,162.50	00678	0	DOMINO'S PIZZA	Cleared
2	05/07/2015	387806	67.00	05103	0	DON BOWMAN	Cleared
2	05/07/2015	387807	800.79	00679	0	DONATELLI'S	
2	05/07/2015	387808	610.00	00714	0	EAGLE SCREEN PRINTING	Cleared
2	05/07/2015	387809	1,469.76	06030	1	EARTHGRAINS CO.INC/ BIMBO BAKERIES	Cleared
2	05/07/2015	387810	508.40	05986	0	EDUCATORS BENEFITS CONSULTANTS,LLC	Cleared
2	05/07/2015	387811	122.00	10497	0	EMILY MUELKEN	Cleared
2	05/07/2015	387812	270.20	03087	0	ERIKA HAMMERSCHMIDT	Cleared
2	05/07/2015	387813	598.80	00803	0	EXPRESS SERVICES INC	Cleared
2	05/07/2015	387814	600.00	10504	0	FAMILY TIES	Cleared
2	05/07/2015	387815	57.70	00817	1	FEDEX	Cleared
2	05/07/2015	387816	30,240.56	06819	0	FIRST STUDENT	Cleared
2	05/07/2015	387817	6,919.45	00856	0	FOLLETT SCHOOL SOLUTIONS, INC	Cleared
2	05/07/2015	387818	250.87	06697	0	FRATTALLONE'S ACE HARDWARE STORES	Cleared
2	05/07/2015	387819	67.00	10383	0	GENO HANSON	
2	05/07/2015	387820	17.00	04300	0	GRACE BEVINS	
2	05/07/2015	387821	202.93	01018	0	GROTH MUSIC	Cleared
2	05/07/2015	387822	300.00	10502	0	HAYDEN FIHN	Cleared
2	05/07/2015	387823	34,854.63	01096	1	HEALTHPARTNERS	Cleared
2	05/07/2015	387824	395.16	04328	1	HOLIDAY INN ALEXANDRIA	Cleared
2	05/07/2015	387825	461.16	03141	0	JOAN STAHLMANN	Cleared
2	05/07/2015	387826	73.00	06559	0	JULIE CARLSON	Cleared
2	05/07/2015	387827	25,287.72	03378	0	KELLY SERVICES, INC	Cleared
2	05/07/2015	387828	300.00	10500	0	KENT MCGUIRE	Cleared
2	05/07/2015	387829	119.57	01372	0	KNOWLAN'S SUPER MARKETS	Cleared
2	05/07/2015	387830	800.00	10425	0	KYLE FULTON/FULTON PRODUCTIONS	Cleared
2	05/07/2015	387831	75.00	10106	0	KYLE STEVE	Cleared
2	05/07/2015	387832	648.35	08806	0	LANDS BEST FOODS	Cleared

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Bank	Date	Check #	Ck Amt	Vendor #	Addr	Description	Status
2	05/07/2015	387833	783.66	03195	0	LASERPLUS, LLC	Cleared
2	05/07/2015	387834	122.00	06118	0	LEONARD VAN LUYK	Cleared
2	05/07/2015	387835	71.00	07073	0	LOFFLER	Cleared
2	05/07/2015	387836	6,000.02	03182	1	MADISON NATIONAL LIFE INS CO INC	Cleared
2	05/07/2015	387837	15.00	01557	0	MAHTOMEDI AUTO SERVICE	Cleared
2	05/07/2015	387838	122.00	05256	0	MARK ARRIOLA	Cleared
2	05/07/2015	387839	122.00	10494	0	MARKUS MULVIHILL	Cleared
2	05/07/2015	387840	122.00	10496	0	MATTHEW HARRIGAN	Cleared
2	05/07/2015	387841	42.87	01683	0	MENARDS	Cleared
2	05/07/2015	387842	81.15	01684	0	MENARDS OAKDALE CASHWAY LUMBER	Cleared
2	05/07/2015	387843	600.00	05795	0	MN YOUTH ULTIMATE	
2	05/07/2015	387844	6.00	10490	0	MR & MRS JEREMY DYER	Cleared
2	05/07/2015	387845	44.36	01871	0	NASCO	Cleared
2	05/07/2015	387846	4,010.64	01888	0	NATIONAL INSURANCE SERVICES OF WI INC	Cleared
2	05/07/2015	387847	4,400.00	06547	0	NICKELODEON UNIVERSE/ MALL OF AMERICA	Cleared
2	05/07/2015	387848	53.94	01961	0	NORCOSTCO INC	Cleared
2	05/07/2015	387849	6,187.50	01971	2	NORTHEAST METRO 916	Cleared
2	05/07/2015	387850	130.00	02043	0	ON SITE SANITATION INC	Cleared
2	05/07/2015	387851	105.16	02051	0	ORIENTAL TRADING CO,INC	Cleared
2	05/07/2015	387852	4,580.85	05985	0	PAMS LUNCHROOM LLC	Cleared
2	05/07/2015	387853	73.00	10012	0	PAUL COLEMAN	Cleared
2	05/07/2015	387854	34.25	10422	0	PINO'S PIZZA/ROSANERO FOOD	
2	05/07/2015	387855	262.00	09134	0	PIONEER ATHLETICS /PIONEER MANUFACTURING CO	Cleared
2	05/07/2015	387856	66.77	02161	0	POPP.COM INC	Cleared
2	05/07/2015	387857	265,993.23	08212	0	PREFERRED ONE	Cleared
2	05/07/2015	387858	122.00	10495	0	RICK DUBOIS	Cleared
2	05/07/2015	387859	75.00	10503	0	ROB KIIHN	
2	05/07/2015	387860	341.98	02313	1	ROCKLER WOODWORKING AND HARDWARE	Cleared
2	05/07/2015	387861	126.00	04507	0	ROMAN MARKET INC	Cleared
2	05/07/2015	387862	375.00	08355	0	RONALD WENZEL	
2	05/07/2015	387863	100.00	07807	0	ROSEVILLE AREA HIGH SCHOOL	
2	05/07/2015	387864	75.00	10486	0	RYAN OVERLIE	Cleared
2	05/07/2015	387865	86.13	00487	2	SCHOOL SPECIALTY/CLASSROOM DIRECT	Cleared
2	05/07/2015	387866	217.80	06246	0	SHIRT WERKS & PROMOTIONALS INC	Cleared
2	05/07/2015	387867	650.89	00553	3	STAPLES ADVANTAGE	Cleared
2	05/07/2015	387868	122.00	10498	0	STERLING EGAN	Cleared
2	05/07/2015	387869	295.00	02666	0	SUPERIOR STRIPING INC	Cleared
2	05/07/2015	387870	67.00	05543	0	TIM KLEIN	Cleared
2	05/07/2015	387871	67.00	06607	0	TIM PETERSEN	Cleared
2	05/07/2015	387872	3,979.64	09693	0	UNIVERSAL ATHLETIC	Cleared
2	05/07/2015	387873	228.00	02863	0	VIKING ELECTRIC SUPPLY	Cleared
2	05/07/2015	387874	122.00	09151	0	WENDY FRANTZ	Cleared
2	05/07/2015	387875	134.00	06606	0	WILLIAM PETERSON	
2	05/14/2015	387876	700.00	04342	0	WISCONSIN SCTF	Cleared
2	05/21/2015	387877	700.00	10116	0	1ST SWING GOLF SCHOOL, LLC	Cleared
2	05/21/2015	387878	230.00	03455	0	AARP	
2	05/21/2015	387879	429.50	07962	1	ACCLAIM SERVICES,INC	
2	05/21/2015	387880	75.00	06043	0	ADAM BERG	
2	05/21/2015	387881	603.14	09140	0	AFFINETY SOLUTIONS INC	Cleared

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2	05/21/2015	387882	889.10	00066	0	AIM ELECTRONICS INC	Cleared
2	05/21/2015	387883	122.00	09164	0	ALEXANDER MONETTE	Cleared
2	05/21/2015	387884	255.00	06962	0	ALLINA HEALTH SYSTEM	Cleared
2	05/21/2015	387885	1,630.00	00106	5	AMERICAN RED CROSS	Cleared
2	05/21/2015	387886	2,140.00	00109	0	AMERICAN SECURITY LLC	Cleared
2	05/21/2015	387887	4,105.80	00125	0	ANAM CARA CONSULTING, INC	
2	05/21/2015	387888	743.98	00149	0	APPERSON	Cleared
2	05/21/2015	387889	89.00	00172	3	ASCD	Cleared
2	05/21/2015	387890	2,729.04	08859	1	AWS SERVICE CENTER	Cleared
2	05/21/2015	387891	1,367.97	00220	3	BATTERIES PLUS BULBS	Cleared
2	05/21/2015	387892	375.00	03196	0	BF LAUZON ENTERPRISES INC	
2	05/21/2015	387893	1,066.63	00281	1	BIO CORPORATION	Cleared
2	05/21/2015	387894	12,049.84	03340	0	BIX PRODUCE CO LLC	Cleared
2	05/21/2015	387895	1,711.80	00659	1	BLICK ART MATERIALS	Cleared
2	05/21/2015	387896	90.00	04738	0	BRUCE DJOCK REPAIR	
2	05/21/2015	387897	3,615.00	06661	0	BW T&F ENTERPRISES LLP	Cleared
2	05/21/2015	387898	490.42	00414	1	CAROLINA BIOLOGICAL SUPPLY CO	Cleared
2	05/21/2015	387899	2,106.75	07031	0	CARRIE ARDITO	Cleared
2	05/21/2015	387900	750.00	06546	0	COMO PARK ZOO AND CONSERVATORY ED	
2	05/21/2015	387901	1,707.48	00558	1	COURAGE KENNY REHABILITATION INSTITUTE	Cleared
2	05/21/2015	387902	1,830.00	10109	0	CTV NORTH SUBURBAN ACCESS CORPORATION	Cleared
2	05/21/2015	387903	194.70	00594	0	CYNMAR CORPORATION	Cleared
2	05/21/2015	387904	1,125.00	09009	0	D & J QUALITY SOURCING LLC	Cleared
2	05/21/2015	387905	2,787.87	00599	0	DALCO	Cleared
2	05/21/2015	387906	67.00	05334	0	DAVE ROSGA	Cleared
2	05/21/2015	387907	6,189.41	00628	0	DELLWOOD COUNTY CLUB/HILL GOLF CLUB	Cleared
2	05/21/2015	387908	150.00	05538	0	DENNIS ATCHISON	Cleared
2	05/21/2015	387909	2,035.67	03328	0	DIVERSIFIED SNACK DIVISION	
2	05/21/2015	387910	1,597.50	00678	0	DOMINO'S PIZZA	Cleared
2	05/21/2015	387911	255.27	00679	0	DONATELLI'S	
2	05/21/2015	387912	2,676.00	00714	0	EAGLE SCREEN PRINTING	Cleared
2	05/21/2015	387913	1,152.00	08743	0	EARTHEND	Cleared
2	05/21/2015	387914	228.00	05986	0	EDUCATORS BENEFITS CONSULTANTS,LLC	
2	05/21/2015	387915	310.11	00787	0	ERICKSON OIL PRODUCTS INC	Cleared
2	05/21/2015	387916	598.80	00803	0	EXPRESS SERVICES INC	Cleared
2	05/21/2015	387917	324.84	04699	0	FARGO PUBLIC SCHOOLS	Cleared
2	05/21/2015	387918	19.75	00815	0	FASTENAL COMPANY	Cleared
2	05/21/2015	387919	53.97	11234	0	FAT BRAIN TOYS	Cleared
2	05/21/2015	387920	207.00	10263	0	FIREFLY COMPUTERS	Cleared
2	05/21/2015	387921	106,759.08	06819	0	FIRST STUDENT	Cleared
2	05/21/2015	387922	714.13	00848	0	FLINN SCIENTIFIC INC	Cleared
2	05/21/2015	387923	31.66	00987	0	GRAINGER	Cleared
2	05/21/2015	387924	165.00	03081	0	GRAY SEEVER	Cleared
2	05/21/2015	387925	193.50	01096	0	HEALTHPARTNERS/GROUP HEALTH INC	Cleared
2	05/21/2015	387926	89.20	02301	1	HM.HARCOURT.CO.LLC/RIVERSIDE PUBLISHING CO	Cleared
2	05/21/2015	387927	281.28	07108	1	HOCKENBERGS	Cleared
2	05/21/2015	387928	50,199.43	03248	0	I.S.D # 834 STILLWATER	
2	05/21/2015	387929	300.00	03248	1	I.S.D # 834 STILLWATER	
2	05/21/2015	387930	657.00	01210	0	INDIAN HILLS GOLF CLUB	Cleared

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Bank	Date	Check #	Ck Amt	Vendor #	Addr	Description	Status
2	05/21/2015	387931	122.00	08580	0	JOE SCHLUENDER	
2	05/21/2015	387932	362.63	08077	1	JOHN DEERE LANDSCAPES/ LESCO	Cleared
2	05/21/2015	387933	67.00	05586	0	JOHN WALTERS	
2	05/21/2015	387934	126.00	09963	0	KATHLEEN SIMMER	
2	05/21/2015	387935	73.00	07020	0	KEITH POKELA	
2	05/21/2015	387936	22,123.69	03378	0	KELLY SERVICES, INC	Cleared
2	05/21/2015	387937	67.00	09413	0	KELLY TERNES	
2	05/21/2015	387938	350.00	10507	0	KENNETH SHANK	
2	05/21/2015	387939	1,328.08	01372	0	KNOWLAN'S SUPER MARKETS	Cleared
2	05/21/2015	387940	1,838.70	07572	0	KORY ANDRY	Cleared
2	05/21/2015	387941	75.00	10106	0	KYLE STEVE	Cleared
2	05/21/2015	387942	1,368.33	01416	0	LAKE COUNTRY BOOKSELLERS	Cleared
2	05/21/2015	387943	785.22	01419	0	LAKESHORE LEARNING MATERIALS	Cleared
2	05/21/2015	387944	1,638.55	08806	0	LANDS BEST FOODS	
2	05/21/2015	387945	75.00	05541	0	LARRY GALLAGHER	
2	05/21/2015	387946	600.00	05135	0	LAURI HILL	
2	05/21/2015	387947	133.00	07073	0	LOFFLER	Cleared
2	05/21/2015	387948	3,247.66	07606	2	LOFFLER COMPANY INC	Cleared
2	05/21/2015	387949	2,099.02	07606	1	LOFFLER COMPANY INC/KONICA MINOLTA PREMIER FI	Cleared
2	05/21/2015	387950	362.21	07606	1	LOFFLER COMPANY INC/KONICA MINOLTA PREMIER FI	Cleared
2	05/21/2015	387951	2,024.00	07606	1	LOFFLER COMPANY INC/KONICA MINOLTA PREMIER FI	Cleared
2	05/21/2015	387952	26.00	01560	0	MAHTOMEDI GARDEN CLUB	
2	05/21/2015	387953	138.27	10471	0	MARCO PRODUCTS	
2	05/21/2015	387954	195.00	05256	0	MARK ARRIOLA	Cleared
2	05/21/2015	387955	122.00	06518	0	MARK BRINE	Cleared
2	05/21/2015	387956	957.00	01618	0	MASSP-MN ASSOC.OF SEC.SCH PRINCIPALS	
2	05/21/2015	387957	947.00	01618	0	MASSP-MN ASSOC.OF SEC.SCH PRINCIPALS	
2	05/21/2015	387958	138.66	10459	0	MCDONOUGH'S WATERJETTING AND DRAIN SERVICE	Cleared
2	05/21/2015	387959	147.50	10508	0	MELINDA POSNER	Cleared
2	05/21/2015	387960	194.21	01684	0	MENARDS OAKDALE CASHWAY LUMBER	Cleared
2	05/21/2015	387961	114.99	10282	1	MGA ENTERTAINMENT INC / LITTLE TYKES	
2	05/21/2015	387962	125.00	07023	0	MICHAEL CARTER	Cleared
2	05/21/2015	387963	525.00	06144	0	MICHAEL SCHUMACHER	Cleared
2	05/21/2015	387964	75.00	09159	0	MICHAEL SMITH	Cleared
2	05/21/2015	387965	67.00	07405	0	MICHAEL WACKER	Cleared
2	05/21/2015	387966	316.25	03384	0	MID CITY SERVICES-INDUSTRIAL LAUNDRY	Cleared
2	05/21/2015	387967	4,078.35	03723	0	MINNESOTA COACHES	Cleared
2	05/21/2015	387968	7,125.00	10515	0	MLA ARCHITECTS INC	Cleared
2	05/21/2015	387969	100.00	01781	0	MN DEPT OF LABOR AND INDUSTRY	Cleared
2	05/21/2015	387970	1,455.77	01781	3	MN DEPT OF LABOR AND INDUSTRY	Cleared
2	05/21/2015	387971	1,267.32	08739	0	NAC MECHANICAL & ELECTRICAL SERVICE	Cleared
2	05/21/2015	387972	11,000.00	10510	0	NETCHEMIA LLC	Cleared
2	05/21/2015	387973	178.00	10451	0	NEWMIND GROUP	
2	05/21/2015	387974	287.50	08768	0	NICKY'S FOLDERS/ ROCHESTER 100 INC	
2	05/21/2015	387975	67.00	05618	0	NORMAN SETNICKER	Cleared
2	05/21/2015	387976	2,746.61	02043	0	ON SITE SANITATION INC	Cleared
2	05/21/2015	387977	19.99	10464	0	PC PARTS PLUS LLC	Cleared
2	05/21/2015	387978	2,700.00	03211	1	PCS REVENUE CONTROL SYSTEMS,INC	Cleared
2	05/21/2015	387979	92.99	02151	0	PLUNKETTS PEST CONTROL INC	Cleared

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2	05/21/2015	387980	163.74	06012	1	PREMIUM WATERS INC	Cleared
2	05/21/2015	387981	1,767.24	03136	0	RATWIK ROSZAK & MALONEY P A	
2	05/21/2015	387982	104.54	02242	0	REALLY GOOD STUFF INC	Cleared
2	05/21/2015	387983	150.00	08355	0	RONALD WENZEL	
2	05/21/2015	387984	1,470.00	10272	0	RUEHLING ASSOCIATES INC	Cleared
2	05/21/2015	387985	1,810.68	07113	0	SAM'S CLUB	Cleared
2	05/21/2015	387986	90.00	07113	0	SAM'S CLUB	Cleared
2	05/21/2015	387987	782.70	02406	0	SCHMITT MUSIC COMPANY	Cleared
2	05/21/2015	387988	711.90	08374	0	SCHOOL CHECK IN	
2	05/21/2015	387989	347.16	10511	0	SCHOOL DISTRICT OF RIVER FALLS WISC	
2	05/21/2015	387990	210.94	02420	3	SCHOOL SPECIALTY	Cleared
2	05/21/2015	387991	56.53	02473	0	SHERWIN-WILLIAMS CO	
2	05/21/2015	387992	3,258.49	00553	3	STAPLES ADVANTAGE	Cleared
2	05/21/2015	387994	518.00	00553	0	STAPLES PRINT SOLUTIONS	Cleared
2	05/21/2015	387995	256.99	09471	0	STEPHANIE COOK /GARDEN PARTNERS	Cleared
2	05/21/2015	387996	125.00	06315	0	STEVE KUDEBEH	
2	05/21/2015	387997	1,145.70	04176	0	SUNBURST CHEMICALS, INC.	
2	05/21/2015	387998	248.49	02698	1	TEACHER'S DISCOVERY	
2	05/21/2015	387999	26.88	03689	1	TEACHERS DISCOVERY	
2	05/21/2015	388000	987.50	02745	1	THYSSENKRUPP ELEVATOR	Cleared
2	05/21/2015	388001	377.92	02748	1	TIES/ TIES DEPOT	Cleared
2	05/21/2015	388002	1,614.27	03345	0	TRIO SUPPLY CO	Cleared
2	05/21/2015	388003	125.00	08784	0	TRUSTED EMPLOYEES	Cleared
2	05/21/2015	388004	277.26	00047	0	TYCO INTEGRATED SECURITY LLC	
2	05/21/2015	388005	125.00	10512	0	TYLER HAGBERG	Cleared
2	05/21/2015	388006	72.96	09693	0	UNIVERSAL ATHLETIC	Cleared
2	05/21/2015	388007	36,790.79	06934	0	US FOODSERVICE INC	Cleared
2	05/21/2015	388008	4,751.50	02842	0	VALLEYFAIR/CEDAR DBA VALLEYFAIR	Cleared
2	05/21/2015	388009	134.00	02859	0	VERNIER SOFTWARE & TECHNOLOGY	Cleared
2	05/21/2015	388010	517.87	02889	1	WALMART COMMUNITY / RFCSSLCC	Cleared
2	05/21/2015	388011	1,443.00	08923	0	WATER PARK OF AMERICA	
2	05/21/2015	388012	96.45	02946	0	WHITE BEAR LOCKSMITH	
2	05/21/2015	388013	228.00	06633	0	WILLIAM CASHMAN/REGAL AWARDS AND TROPHIES	
2	05/21/2015	388014	158.18	02984	0	WINNICK SUPPLY INC	Cleared
2	05/21/2015	388015	174.60	03012	0	WORTHINGTON DIRECT	Cleared
2	05/21/2015	388016	46.72	00723	0	XCEL ENERGY	
2	05/21/2015	388017	150.00	10509	0	ZACHARY GUSTAFSON	Cleared
2	05/28/2015	388018	1,100.00	10116	0	1ST SWING GOLF SCHOOL, LLC	
2	05/28/2015	388019	330.00	03455	0	AARP	
2	05/28/2015	388020	75.00	10518	0	ADAM GEMUENDEN	
2	05/28/2015	388021	722.00	10287	0	ALPHA VIDEO & AUDIO INC	
2	05/28/2015	388022	793.68	10483	0	AMERICAN SOLUTIONS FOR BUSINESS	
2	05/28/2015	388023	75.00	05622	0	ANDREW CRADDOCK	
2	05/28/2015	388024	129.60	00267	0	BEYOND PLAY	
2	05/28/2015	388025	150.00	04574	0	BILL WEIGEL SIGNS	
2	05/28/2015	388026	337.00	04234	0	BLUE CROSS BLUE SHIELD OF MN/SUPPORT SOURCE	
2	05/28/2015	388027	122.00	06610	0	BRAD SCIBAK	
2	05/28/2015	388028	676.55	00358	0	BRYAN ROCK PRODUCTS INC	
2	05/28/2015	388029	1,709.80	09448	0	BSN SPORTS	

**FY15 May 2015 CHECK REGISTER - BANK 02**

Bank	Date	Check #	Ck Amt	Vendor #	Addr	Description	Status
2	05/28/2015	388030	2,972.20	08892	1	CAMBIUM LEARNING GROUP	
2	05/28/2015	388031	367.50	10436	0	CLIMATE MAKERS	
2	05/28/2015	388032	178.30	07299	0	COBORNSDELIVERS LLC	
2	05/28/2015	388033	5,100.00	00527	0	COMSTOCK & SONS INC	
2	05/28/2015	388034	875.27	00594	0	CYNMAR CORPORATION	
2	05/28/2015	388035	73.00	05583	0	DOUGLAS LOYD	
2	05/28/2015	388036	102.00	00714	0	EAGLE SCREEN PRINTING	
2	05/28/2015	388037	440.00	08743	0	EARTHBEND	
2	05/28/2015	388038	1,197.60	00803	0	EXPRESS SERVICES INC	
2	05/28/2015	388039	292.23	00815	0	FASTENAL COMPANY	
2	05/28/2015	388040	91.00	03585	0	FIRST TECHNOLOGIES INC	
2	05/28/2015	388041	157.47	00844	1	FLAGHOUSE INC	
2	05/28/2015	388042	476.77	00848	0	FLINN SCIENTIFIC INC	
2	05/28/2015	388043	244.44	00987	0	GRAINGER	
2	05/28/2015	388044	726.66	02301	1	HM.HARCOURT.CO.LLC/RIVERSIDE PUBLISHING CO	
2	05/28/2015	388045	266.00	01156	0	HOMeward BOUND THEATRE COMPANY	
2	05/28/2015	388046	182.25	01164	3	HOUGHTON MIFFLIN HARCOURT PUBLISHING CO	
2	05/28/2015	388047	90,000.00	03331	0	I.S.D # 622 NO.ST PAUL-MAPLEWOOD-OAKDALE	
2	05/28/2015	388048	75.00	08838	0	JOHN KOLNIK	
2	05/28/2015	388049	75.00	07395	0	JOHN PRIESTER	
2	05/28/2015	388050	125.00	09951	0	JOHN REITELBACH	
2	05/28/2015	388051	3,098.03	01300	2	JOSTENS	
2	05/28/2015	388052	1,810.95	10449	0	K&J CATERING INC	
2	05/28/2015	388053	11,909.32	03378	0	KELLY SERVICES, INC	
2	05/28/2015	388054	125.00	10516	0	KIP KILEN	
2	05/28/2015	388055	340.40	01394	0	KROMER CO LLC	
2	05/28/2015	388056	75.00	10106	0	KYLE STEVE	
2	05/28/2015	388057	688.85	01419	0	LAKESHORE LEARNING MATERIALS	
2	05/28/2015	388058	50.00	05650	0	LANCER CATERING	
2	05/28/2015	388059	1,061.00	08645	0	LARKIN HOFFMAN DALY & LINDGREN LTD	
2	05/28/2015	388060	90.00	01504	0	LOGGERS TRAIL GOLF CLUB	
2	05/28/2015	388061	1,241.00	06072	0	MAD SCIENCE OF MN,SCHOOLHOUSE CHESS, ANNICA	
2	05/28/2015	388062	90.17	01557	0	MAHTOMEDI AUTO SERVICE	
2	05/28/2015	388063	959.00	10076	0	MANSHIP PLUMBING & HEATING INC	
2	05/28/2015	388064	75.00	07449	0	MATT HORDYK	
2	05/28/2015	388065	122.00	10485	0	MATT LAWLESS	
2	05/28/2015	388066	402.41	10459	0	MCDONOUGH'S WATERJETTING AND DRAIN SERVICE	
2	05/28/2015	388067	81.95	01684	0	MENARDS OAKDALE CASHWAY LUMBER	
2	05/28/2015	388068	602.91	06538	0	MID-AMERICA SPORTS ADVANTAGE	
2	05/28/2015	388069	125.00	06570	0	MIKE LAWROW	
2	05/28/2015	388070	2,831.40	03723	0	MINNESOTA COACHES	
2	05/28/2015	388071	400.00	01747	4	MINNESOTA HISTORICAL SOCIETY- TED	
2	05/28/2015	388072	140.00	01780	2	MN DEPT OF HEALTH	
2	05/28/2015	388073	164.60	01871	0	NASCO	
2	05/28/2015	388074	251.54	02205	4	NCS PEARSON INC	
2	05/28/2015	388075	506.46	01929	0	NETSUPPORT INC	
2	05/28/2015	388076	1,072.50	01971	2	NORTHEAST METRO 916	
2	05/28/2015	388077	54.84	02051	0	ORIENTAL TRADING CO,INC	
2	05/28/2015	388078	321.64	02115	0	PERMA BOUND BOOKS	

**FY15 May 2015 CHECK REGISTER - BANK 02**

Bank	Date	Check #	Ck Amt	Vendor #	Addr	Description	Status
2	05/28/2015	388079	68.50	10422	0	PINO'S PIZZA/ROSANERO FOOD	
2	05/28/2015	388080	300.00	08355	0	RONALD WENZEL	
2	05/28/2015	388081	2,559.60	09556	0	RUPP,ANDERSON,SQUIRES & WALDSPURGER P.A.	
2	05/28/2015	388082	1,414.50	02413	0	SCHOLASTIC BOOK CLUBS INC	
2	05/28/2015	388083	608.00	02413	0	SCHOLASTIC BOOK CLUBS INC	
2	05/28/2015	388084	844.32	02420	0	SCHOOL SPECIALTY INC	
2	05/28/2015	388085	125.00	05557	0	SOUTH ST PAUL HIGH SCHOOL	
2	05/28/2015	388086	760.15	02552	0	SOUTHPAW ENTERPRISES INC	
2	05/28/2015	388087	807.01	00553	3	STAPLES ADVANTAGE	
2	05/28/2015	388088	125.00	06315	0	STEVE KUDEBEH	
2	05/28/2015	388089	525.00	09820	0	SUMMIT CO.	
2	05/28/2015	388090	336.37	02698	1	TEACHER'S DISCOVERY	
2	05/28/2015	388091	292.50	07398	0	TECH 4 LEARNING	
2	05/28/2015	388092	466.20	05870	0	TESSMAN CO.	
2	05/28/2015	388093	49.00	10517	0	THOMAS BURGESS	
2	05/28/2015	388094	116.59	02748	1	TIES/ TIES DEPOT	
2	05/28/2015	388095	614.23	02785	1	TRIARCO	
2	05/28/2015	388096	34.76	02800	0	TWIN CITY FILTER SERVICE INC	
2	05/28/2015	388097	25.00	02936	0	WHITE BEAR AREA CHAMBER OF COM	
2	05/28/2015	388098	32,535.12	00723	0	XCEL ENERGY	
2	05/07/2015	80006109	12.93	99999	2235	Nelson, Janine B	Cleared
2	05/07/2015	80006110	9.50	99999	10385	Chow, Nanette L	Cleared
2	05/07/2015	80006111	16.99	99999	2192	Tansom, Paula A	Cleared
2	05/07/2015	80006112	48.97	99999	2192	Tansom, Paula A	Cleared
2	05/07/2015	80006113	215.14	99999	2334	Edinger, Helen P	Cleared
2	05/07/2015	80006114	167.04	99999	10389	Osborne, Emily M	Cleared
2	05/07/2015	80006115	278.82	99999	10389	Osborne, Emily M	Cleared
2	05/07/2015	80006116	10.78	99999	10616	Lewis, Harmony L	Cleared
2	05/07/2015	80006117	317.17	99999	3827	Frye, Sheila M	Cleared
2	05/07/2015	80006118	8.27	99999	2200	Allen, John E	Cleared
2	05/07/2015	80006119	15.81	99999	4900	Audorff, Shirley	Cleared
2	05/07/2015	80006120	55.20	99999	10245	Dusek, Sara A	Cleared
2	05/07/2015	80006121	50.00	99999	10522	Bouwens, Kirsten	Cleared
2	05/07/2015	80006122	50.00	99999	10412	Hamre, Mark B	Cleared
2	05/07/2015	80006123	50.00	99999	10639	Larson, Mark	Cleared
2	05/07/2015	80006124	50.00	99999	10910	Wagner, Luanne	Cleared
2	05/07/2015	80006125	50.00	99999	10686	Neubeck, Michael	Cleared
2	05/07/2015	80006126	50.00	99999	2292	Nickleby, Kathe	Cleared
2	05/07/2015	80006127	45.83	99999	10700	Sorenson, Susan	Cleared
2	05/07/2015	80006128	50.00	99999	10224	Viker, Lynne M	Cleared
2	05/07/2015	80006129	50.00	99999	10908	Menier, Matthew	Cleared
2	05/07/2015	80006130	50.00	99999	11197	Wyland, Catherine	Cleared
2	05/07/2015	80006131	50.00	99999	10971	Manders, Rochel	Cleared
2	05/07/2015	80006132	25.00	99999	1038	Crothers, Patrick	Cleared
2	05/07/2015	80006133	25.00	99999	10196	Hering, James P	Cleared
2	05/07/2015	80006134	25.00	99999	1039	Kaczorek, Debora	Cleared
2	05/07/2015	80006135	25.00	99999	10323	Kostuch, Tonya M	Cleared
2	05/07/2015	80006136	50.00	99999	11097	McMahon, Megan	Cleared
2	05/07/2015	80006137	50.00	99999	11161	Gemuenden, Adam	Cleared

**FY15 May 2015 CHECK REGISTER - BANK 02**

<b>Bank</b>	<b>Date</b>	<b>Check #</b>	<b>Ck Amt</b>	<b>Vendor #</b>	<b>Addr</b>	<b>Description</b>	<b>Status</b>
2	05/07/2015	80006138	50.00	99999	5058	Osterbauer, Julie	Cleared
2	05/07/2015	80006139	25.00	99999	5125	Albrecht, Daniel	Cleared
2	05/07/2015	80006140	25.00	99999	5081	Metz, Leroy R	Cleared
2	05/07/2015	80006141	25.00	99999	5043	Anderson, Roy D	Cleared
2	05/07/2015	80006142	25.00	99999	5066	Jensen, James	Cleared
2	05/07/2015	80006143	333.28	99999	11107	Fossen, Alan	Cleared
2	05/07/2015	80006144	140.88	99999	2407	Mitchell, Michelle	Cleared
2	05/07/2015	80006145	21.94	99999	11107	Fossen, Alan	Cleared
2	05/07/2015	80006146	212.18	99999	10771	Pratt, Jeffrey	Cleared
2	05/07/2015	80006147	99.40	99999	2320	McGibbon, Paul	Cleared
2	05/07/2015	80006148	73.86	99999	10909	Rolling, Julie	Cleared
2	05/07/2015	80006149	101.20	99999	8080	Poirier, Nicole	Cleared
2	05/07/2015	80006150	46.26	99999	10668	Giuliani, Lisa	Cleared
2	05/07/2015	80006151	58.43	99999	10928	Dircks-Haveman, Audra	Cleared
2	05/07/2015	80006152	58.19	99999	10988	Kubow, Monica	Cleared
2	05/07/2015	80006153	27.43	99999	2216	Trautman, Terry	Cleared
2	05/07/2015	80006154	300.00	03115	0	CHARLES LINDERKAMP	Cleared
2	05/07/2015	80006155	125.00	99999	2290	Pontious, Robert	Cleared
2	05/07/2015	80006156	38.40	99999	2314	Wendorff, Stacy	Cleared
2	05/07/2015	80006157	53.58	99999	10964	Wynia, Julianne	Cleared
2	05/07/2015	80006158	49.87	99999	2268	Brown, Julie M	Cleared
2	05/07/2015	80006159	1,457.60	03088	0	STEVE HAMMERSCHMIDT	Cleared
2	05/07/2015	80006160	286.40	09832	0	ANDREA MYERS	Cleared
2	05/07/2015	80006161	1,988.98	99999	11107	Fossen, Alan	Cleared
2	05/07/2015	80006162	598.40	99999	11107	Fossen, Alan	Cleared
2	05/07/2015	80006163	29.70	99999	10514	Wendelboe, Angela	Cleared
2	05/07/2015	80006164	9.95	99999	11092	Weber, Brittni	Cleared
2	05/07/2015	80006165	22.43	99999	5081	Metz, Leroy R	Cleared
2	05/21/2015	80006166	2,012.67	03057	0	BRAD BERGIE	Cleared
2	05/21/2015	80006167	947.95	03115	0	CHARLES LINDERKAMP	Cleared
2	05/21/2015	80006168	117.88	99999	2021	Driscoll, Deborah	Cleared
2	05/21/2015	80006169	24.30	99999	2181	Hommes, Elizabeth	Cleared
2	05/21/2015	80006170	29.00	99999	2200	Allen, John E	Cleared
2	05/21/2015	80006171	63.84	99999	2231	Halverson, Jacqueline	Cleared
2	05/21/2015	80006172	52.49	99999	2268	Brown, Julie M	Cleared
2	05/21/2015	80006173	67.85	99999	2292	Nickleby, Kathe	Cleared
2	05/21/2015	80006174	53.87	99999	2327	Fox, Heather	Cleared
2	05/21/2015	80006175	119.57	99999	2368	Katzke, Susan M	Cleared
2	05/21/2015	80006176	172.50	99999	2371	Forbes, Donna M	Cleared
2	05/21/2015	80006177	38.74	99999	2372	Conzemius, Julie	Cleared
2	05/21/2015	80006178	69.98	99999	2377	Merthan, Jennifer	Cleared
2	05/21/2015	80006179	28.00	99999	2391	Brunner, Gretchen	Cleared
2	05/21/2015	80006180	138.53	99999	2391	Brunner, Gretchen	Cleared
2	05/21/2015	80006181	90.93	99999	2393	Ratzloff, Corey	Cleared
2	05/21/2015	80006182	13.49	99999	2426	Collins, Ryan J	Cleared
2	05/21/2015	80006183	400.00	99999	3382	Baker, Lori J	Cleared
2	05/21/2015	80006184	100.00	99999	3382	Baker, Lori J	Cleared
2	05/21/2015	80006185	225.05	99999	3821	Gerver, Laurie	Cleared
2	05/21/2015	80006186	18.40	99999	4549	Lovgren, Dyan L	Cleared

**FY15 May 2015 CHECK REGISTER - BANK 02**

<b>Bank</b>	<b>Date</b>	<b>Check #</b>	<b>Ck Amt</b>	<b>Vendor #</b>	<b>Addr</b>	<b>Description</b>	<b>Status</b>
2	05/21/2015	80006187	17.38	99999	5066	Jensen, James	Cleared
2	05/21/2015	80006188	253.55	99999	10243	Walsh, Marilyn D	Cleared
2	05/21/2015	80006189	222.75	99999	10310	Flesner, Nicole	Cleared
2	05/21/2015	80006190	33.64	99999	10323	Kostuch, Tonya M	Cleared
2	05/21/2015	80006191	28.17	99999	10323	Kostuch, Tonya M	Cleared
2	05/21/2015	80006192	947.61	99999	10344	Mickelson, Craig	Cleared
2	05/21/2015	80006193	92.00	99999	10389	Osborne, Emily M	Cleared
2	05/21/2015	80006194	147.25	99999	10451	Haen, Elisabeth	Cleared
2	05/21/2015	80006195	69.95	99999	10489	May, Sydney L	Cleared
2	05/21/2015	80006196	42.00	99999	10505	Newman, Michlyn	Cleared
2	05/21/2015	80006197	254.96	99999	10529	Dworak, Dawn	Cleared
2	05/21/2015	80006198	43.73	99999	10538	Loosbrock, Gina	Cleared
2	05/21/2015	80006199	35.65	99999	10556	Wigstrom, Mary	Cleared
2	05/21/2015	80006200	458.96	99999	10707	Channon, Lisa	Cleared
2	05/21/2015	80006201	70.00	99999	10765	Tussey, Laura	Cleared
2	05/21/2015	80006202	10.24	99999	10807	O'Connor, Kimberly	Cleared
2	05/21/2015	80006203	26.57	99999	10859	Paquette, Chelsea	Cleared
2	05/21/2015	80006204	120.96	99999	10908	Menier, Matthew	Cleared
2	05/21/2015	80006205	136.80	99999	10908	Menier, Matthew	Cleared
2	05/21/2015	80006206	163.88	99999	10971	Manders, Rochel	Cleared
2	05/21/2015	80006207	19.32	99999	11180	Hunter IV, Charles	Cleared
2	05/28/2015	80006208	633.28	99999	2175	Smith, P Brett	Cleared
2	05/28/2015	80006209	524.79	99999	2320	McGibbon, Paul	Cleared
2	05/28/2015	80006210	102.59	99999	2329	Huss, Matthew	Cleared
2	05/28/2015	80006211	11.93	99999	2411	Gale, Ann J	Cleared
2	05/28/2015	80006212	56.45	99999	2411	Gale, Ann J	Cleared
2	05/28/2015	80006213	77.11	99999	3864	Shafer, Kelly K	Cleared
2	05/28/2015	80006214	145.84	99999	4075	Zimmerman, Bonny K	Cleared
2	05/28/2015	80006215	5.75	99999	4900	Audorff, Shirley	Cleared
2	05/28/2015	80006216	53.76	99999	10072	Dean, Luanne M	Cleared
2	05/28/2015	80006217	391.32	99999	10404	Vedders, Angela	Cleared
2	05/28/2015	80006218	41.62	99999	10628	Brown, Nancy K	Cleared
2	05/28/2015	80006219	255.02	99999	10971	Manders, Rochel	Cleared
2	05/28/2015	80006220	16.91	99999	11092	Weber, Brittni	Cleared
2	05/28/2015	80006221	36.80	99999	11100	Henning, Charlotte	Cleared

**Total 973,488.13**

**MAY 2015 CHECK REGISTER- BANK 05**

Bank	Check Date	Check Number	Check Amount	Vendor Number	ADDR	Vendor Name	Check Status Description
5	05/21/2015	50000296	2,031.80	02227	0	CENTURYLINK	
5	05/21/2015	50000297	173.00	04719	0	DOOR SERVICE CO OF THE TWIN CITIES IN	
5	05/21/2015	50000298	555.35	02747	0	TIERNEY BROTHERS INC	
5	05/28/2015	50000299	18,466.66	05516	0	FAIRVIEW	
5	05/28/2015	50000300	632.50	02747	0	TIERNEY BROTHERS INC	

**Total 21,859.31**

**INDEPENDENT SCHOOL DISTRICT #832  
WIRE TRANSFER TRANSACTIONS  
MONTH OF MAY 2015**

<u>DATE</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
5/4/15	US Bank	Preferred One	\$18,588.58	claims payment
5/4/15	US Bank	Preferred One	\$451.64	claims payment
5/11/15	MN Trust	MSDLAF	\$1,200,000.00	cover checks
5/11/15	US Bank	Preferred One	\$30,108.95	claims payment
5/11/15	US Bank	Preferred One	\$1,112.97	claims payment
5/12/15	US Bank	US Bank Card Services	\$13,240.36	cardmember payment
5/13/15	State of Minnesota	MN Trust	\$30,449.44	direct state payment
5/14/15	US Bank	Peoples Bank of Commerce-EBC Flex	\$7,419.59	flex benefits
5/14/15	US Bank	Peoples Bank of Commerce-403-B/457	\$62,266.39	TSA payment/Deferred Comp
5/14/15	US Bank	The United Educators CU	\$11,406.86	MEA teachers union dues
5/15/15	State of Minnesota	MN Trust	\$1,435,596.11	direct state payment
5/15/15	MSDLAF	US Bank	\$546,606.64	cover checks
5/15/15	US Bank	IRS	\$210,430.72	federal & fica taxes
5/15/15	US Bank	MN Dept of Revenue	\$33,311.70	state payroll taxes
5/15/15	US Bank	Public Emp. Retirement Assoc.	\$24,454.04	pera retirement
5/15/15	US Bank	Mn Teachers Retirement	\$102,933.90	teachers retirement
5/18/15	US Bank	Preferred One	\$530.33	claims payment
5/18/15	US Bank	Preferred One	\$25,653.55	claims payment
5/19/15	US Bank	MN Dept of Revenue	\$291.00	sales tax payment
5/19/15	State of Minnesota	MN Trust	\$1,809.26	direct state payment
5/22/15	MN Trust	MSDLAF	\$1,200,000.00	cover checks
5/26/15	US Bank	Preferred One	\$4,415.98	claims payment
5/26/15	US Bank	Preferred One	(\$77.04)	claims payment
5/26/15	Washington County	MN Trust	\$3,262,192.00	direct payment
5/28/15	MSDLAF	US Bank	\$500,000.00	cover checks
5/29/15	US Bank	Peoples Bank of Commerce-EBC Flex	\$7,419.59	flex benefits
5/29/15	US Bank	Peoples Bank of Commerce-403-B/457	\$62,266.39	TSA payment/Deferred Comp
5/29/15	US Bank	Central Bank	\$1,579.64	para union dues
5/29/15	MSDLAF	US Bank	\$548,307.54	cover checks
5/29/15	US Bank	IRS	\$210,569.93	federal & fica taxes
5/29/15	US Bank	MN Dept of Revenue	\$33,769.82	state payroll taxes
5/29/15	US Bank	Public Emp. Retirement Assoc.	\$24,546.97	pera retirement
5/29/15	US Bank	Mn Teachers Retirement	\$102,903.00	TRA payment
5/30/15	State of Minnesota	MN Trust	\$1,090,091.76	direct state payment