

School Board Work Session Meeting
Wednesday, October 4, 2017 6:15 PM Central

District Office
25122 State Highway 28
Glenwood, Minnesota 56334

1. CALL TO ORDER BY CHAIRPERSON: PLEDGE OF ALLEGIANCE
2. MEMBERS PRESENT:
3. MEMBERS ABSENT:
4. APPROVE AGENDA:
5. RUNESTONE AREA ED DISTRICT: Special Education Director Carla Ptacek

**State of RAED (Runestone
Area Education District)
Presentation in
September of 2017**

By Carla Ptacek

Mission Statement

RAED Mission Statement:

The mission statement of RAED is to offer a wide range of cost effective high quality educational programming and services with expertly skilled personnel who deliver state-of-the-art services to our member districts.

RAED Mission Statement Cont.

The members of the RAED work cooperatively, as opposed to individually, in order to:

- ▶ -deliver services in a cost effective manner
- ▶ -provide a wide range of programs and services to assist districts in meeting the needs of their students
- allow districts to be more proactive to emerging educational issues

RAED Mission Statement Cont.

- ▶ -assist districts to provide high quality education services
- ▶ -provide member districts political power as a result of strength in numbers

RAED Special Education Mission Statement

- ▶ Our Mission is to provide students with disabilities the opportunity to reach their full potential through specialized instruction.

▶ **RAED Beliefs:**

- Students with disabilities have the right to be provided the opportunity to reach their full potential.
- The rights and worth of each individual must be respected

Belief Statements Cont.

- ▶ –Parents are an integral part of team decision making.
- ▶ –Collaboration with community agencies must exist.
- ▶ –The entire school community shares in the responsibility of educating students with disabilities.

Beliefs Cont.

- ▶ -Continuous training of all staff is necessary to meet the unique needs of students.
- ▶ -Learning of functional skills is a lifelong process.

Participating School Districts

- ▶ Alexandria
- ▶ Brandon–Evansville
- ▶ Minnewaska
- Osakis
- ▶ Parkers Prairie

RAED Governance

- ▶ RAED/Agreement and By-Laws
- ▶ RAED Leadership Model:
 - Carla Ptacek–Executive Director, SPED Leadership and Principal at the RRLC and SOAR
 - Michelle Bethke–Kaliher–Fiscal SPED Consultant from Alexandria
 - Tina Erickson–SPED Coordinator
 - Amanda Johnson–RRLC Coordinator
 - Michelle Steele– ECSE Coordinator, contracted from Alexandria

RAED Governance

Certified Staff Master Agreement

Non-certified Personnel Agreement

Superintendent Advisory Council—each superintendent is a member

RAED School Board— consists of one board member from each school district

Fiscal Management

- ▶ The RAED is the fiscal host, however we contract services with Alexandria for the following services:
 - Payroll
 - Federal SPED dollars
 - Misc. Business Services
 - Third Party Billing
- ▶ Distribution of Funds for RAED programs
 - RRLC (Runestone Regional Learning Center), Klothes Kloset, Carl Perkins Grant, SOAR (Students Optimizing Academics and Relationships), etc.

Funding Resources

- ▶ SPED Federal Entitlement
 - ▶ SPED Third Party Billing
 - ▶ Targeted Services
 - ▶ Carl Perkins Grant
 - ▶ Klothes Kloset Thrift Store Profit
 - ▶ Runestone Regional Learning Center– state and federal funding
 - ▶ SOAR Grant
-
- ▶ RAED is a “Pay as You Use” Service Model

Services Offered (See brochures)

- ▶ Alternative Education at the RRLC–
Independent Study/Compulsory
Attendance
- ▶ EL–English Language Services
- ▶ Staff Development
- ▶ Career and Technical Education Initiatives
- ▶ Klothes Kloset Thrift Store
- ▶ Special Education Leadership
- ▶ SOAR (Students Optimizing Academics and
Relationships)–SPED Setting IV program

Special Education Services

- Autism Spectrum Disorder–ASD
- Blind/Vision Impaired– B/VI
- Developmental Adaptive Phy. Education –DAPE
- Developmental Cognitive Disability–DCD
- Deaf–Blind–D/B
- Deaf & Hard of Hearing–DHH
- Early Childhood Special Education–ECSE
- Emotional or Behavioral Disorder–E/BD

Special Education Services Cont.

- ▶ Other Health Disability–OHD
- ▶ Physically Impaired–PI
- ▶ Severely Multiply Impaired–SMI
- ▶ Students Optimizing Academics and Relationships (SOAR)
- ▶ Specific Learning Disability–SLD
- ▶ Speech or Language Impairments–S/L
- ▶ Traumatic Brain Injury–TBI
- ▶ Visual Impairment–VI

SPED Related and Support Services

School Psychology

Occupational Therapy (OT)

Occupational Therapy Assistant (OTA)

Orientation and Mobility (O & M)

Physical Therapy (PT)

School Social Work (SW)

DAPE (Developmental Adaptive Physical Education)

Speech/Language

Partnerships

Alexandria School–Business office, Food Service and Computer Support

**Alexandria Technical and Community College–
Tech Prep, Perkins Grant, SOAR Building**

Head Start–Programs in all Schools

Lakes Country Service Coop–Low Incidence Services and Staff Development

Partnerships Cont.

- ▶ **IEIC (Interagency Early Intervening Committee)** – Agencies in Pope and Douglas Counties with Regional Membership
- ▶ **CTIC (Community Transition Interagency Committee)** – Runestone Area
- ▶ **SEAC– Special Education Advisory Committee**
- ▶ **Adult Basic Education– Alexandria**

RAED Student Statistics

▶ Students Served:

- 506 Students on IEPs, excluding Minnewaska Day Treatment
- 50 Students (average) at the Minnewaska Area Day Treatment
- 264 Students (average) accessing the RRLC each year
- 24 English Learners—yearly average

844 Students per year

RAED Staff Statistics

- ▶ 34 Full Time Certified Staff
- ▶ 16 Full and Part Time Non-certified Staff
- ▶ 2 People on Independent Service Contract

2.13 FTE SPED Leadership

- ▶ 1.2 FTE RRLC Leadership

RAED Information

- ▶ RAED's website address is:
- ▶ www.runestoneareaeducationdistrict.weebly.com
- ▶ Like the Klothes Kloset on Facebook

Contact Info: Jen Olson -Administrative Assistant

RAED= 320-763-5559

RRLC= 320-762-0627

Minnewaska Information

- ▶ RAED Benefits:
- ▶ *RRLC–benefits
 - Assists with school drop–out rates
 - Limits out of home placements
 - Services are at NO additional cost to districts
- *SOAR(Students Optimizing Academics & Relationships
- * Blind/Vision Impaired and Deaf Hard of Hearing
- *Klothe Kloset services and funding

Minnewaska Information

- ▶ *RAED is “pay as you use” No other cooperative or education district in MN has this model
- ▶ *Minnewaska has Targeted Services (TS) programs in the elementary and middle schools. TS is only available because of the Runestone Regional Learning Center
- ▶ *TS offsets costs of summer and after school programming

Minnewaska Information

- ▶ *There is opportunity to participate in the decision making process throughout RAED as the Superintendent Advisory and RAED Board meet eleven times a year

- *RAED customizes what each employees' work assignment is by supporting whatever the district needs from us

Minnewaska Information

- *RAED is an effective SPED system. In 15 years there have only been three complaints to MDE. All were unfounded claims, except for making up one 20 minute social skills session
- *During the last due process monitoring there were VERY FEW errors! MN has over 800 rules and regulations over the federal regulations

Minnewaska Information

- ▶ *Lead Teachers in Minnewaska are; Stephanie Swalla, Laurie Zink, Nicole Meissner, Emily Kluver and Tami Williams–Quiggle
- ▶ *I spend one day a week in the district. Tina, the sped coordinator, also spends time in the district

Minnewaska Information

- ▶ *Your overall RAED budget between 16-17 and 17-18 is \$22,053 LESS with 2% salary est
- ▶ *You are buying 6.82FTE in Staff from RAED, accounting for 13 different people
- ▶ *Administration (SPED and Education District) from RAED is 1.38 FTE split between 2 people
- ▶ *Revenue=Targeted Services, SPED and EL

Minnewaska Information

- ▶ *Projected income from Targeted Services last school year and this past summer is about \$34,000
- ▶ *Your \$8,000 plus cost for EL (English Learners) is reimbursed through MDE
- ▶ *Minnewaska also gets state and federal funding for special education.

Minnewaska Information

- ▶ *SPED funding, in general, feels like a moving target. The last two years have been a transition into what is going into effect on July 1st of 2018.
- ▶ *So, as of this coming July, there will be more changes. Funding is expected then to be based on the “cost” of servicing students by disability area. MDE has been collecting data on the current costs.

Minnewaska Information

- ▶ *Are there any further questions?
- ▶ *Thanks for the opportunity to present tonight

6. VERIZON WIRELESS TOWER LEASE PROPOSAL: Rick Adams



7. DASHIR MANAGEMENT PROPOSAL: Mike Nelson-Dashir

Dashir Management Services, Inc.

E8723A County Highway H, Wisconsin Dells WI 53965

Management Agreement September 22, 2017

Dashir Management Services, Inc. proposes to provide a custodial / maintenance program for the Minnewaska Area School District for the purpose of providing a clean, safe environment for the staff and students in all District facilities.

The terms proposed are as follows:

1. The program will require full time equivalent positions for addendum "A" - 9 FTE's or 360 (paid) weekly hours, plus a part time cleaner (2 hours per student day) for cleaning the day treatment building. Addendum "B" is for an additional full time lead position or 40 (paid) weekly hours. (See attached staffing list).
2. The District will provide all cleaning supplies and custodial equipment.
3. The District will provide a vehicle for district work or pay mileage at current district rate.
4. Dashir, with input from the District Administration, will be responsible for the assignment of schedules and supervision of all employees in the custodial department.
5. Dashir will provide access to its purchasing agreements and assist the District to assure the greatest savings possible on any other purchases.
6. Dashir will monitor the success of the program through inspections conducted by the on-site Facility Manager and the Area Operations Manager.
7. Dashir Management and District Administration will meet regularly to review progress and resolve any problems that may occur.
8. Dashir will provide the District with a current certificate of workers compensation insurance from an insurance provider licensed in the State.
9. Dashir will comply with all labor laws of the State and the Federal standards that may apply.
10. Dashir employees will comply with all policies of the District.
11. Dashir agrees to provide any information related to actual labor cost, as may be requested by the District Administration.
12. The District agrees to provide budget information, including monthly year to date reports as they relate to the Custodial and Maintenance Department.
13. This agreement will remain in force for 3 years January 1, 2018 through December 31, 2020. The agreement will be automatically renewed unless either party requests a change 90 days prior to the contract date in writing. The agreement may be terminated by either party, with a 90-day written notice, for failure to perform.

14. The contract amount will be adjusted only when a change in service responsibility occurs or in the event of an increase in the wage and benefit package offered to District's employees in support departments (food service, transportation, secretaries, and Para-professionals). The adjustment shall be effective with the commencement of the change in service responsibilities or the effective date of the increase in wage and benefit package.
15. The annual contract amount will increase in a percentage equal to the increase offered to employees in departments as indicated above.
16. If the local, state or federal government, makes changes to the minimum wage, overtime rules and/or required benefit laws, this contract would be reviewed and renegotiated if necessary.
17. The School District agrees not to offer employment to any Dashir Supervisory employees during the term of this agreement and for one year following termination of this agreement, without the expressed written permission of Dashir Management Services, Inc...

If you are in agreement with the contract as indicated above and the attached addendum A, please sign.

Michael D Nelson
President
Date _____

Chip Rankin
District Administrator
Date _____

Addendum "A"

Dashir Management Services, Inc. will provide the program and 9 FTE plus the part time 2 hour per student day position, as indicated on page one of the agreement.

The cost for this option will be:

\$438,593.13 annually or **\$16,868.97** bi-weekly

1. The cost of this service will be adjusted by a percentage equal to any adjustment awarded to District employees as indicated previously in this agreement.
2. Any extra hours worked over and above the contracted amount would be with authorization of School District Administration and would be charged to the district at a rate of the actual paid wages plus 30%.
3. Dashir Management Services, Inc. agrees to indemnify and hold harmless the School District for any liabilities resulting from any act of an employee or representative of Dashir Management Services, Inc...

Addendum "B"

Dashir Management Services, Inc. will provide the one additional full time lead position for the district.

The cost for this option will be:

\$46,058.92 annually or **\$1,771.50** bi-weekly

4. The cost of this service will be adjusted by a percentage equal to any adjustment awarded to District employees as indicated previously in this agreement.
5. Any extra hours worked over and above the contracted amount would be with authorization of School District Administration and would be charged to the district at a rate of the actual paid wages plus 30%.
6. Dashir Management Services, Inc. agrees to indemnify and hold harmless the School District for any liabilities resulting from any act of an employee or representative of Dashir Management Services, Inc...

Minnewaska positions	Hours	Hourly Wage	Annual Wage
Manager (salary position)	2080	\$26.45	\$55,016.00
District wide maintenance	2080	\$18.00	\$37,440.00
District lead (addendum B new position)	2080	\$15.00	\$31,200.00
HS Day Custodian	2080	\$14.00	\$29,120.00
HS Evening Cleaner	2080	\$13.50	\$28,080.00
HS Evening Cleaner	2080	\$13.50	\$28,080.00
HS Evening Cleaner	2080	\$13.50	\$28,080.00
Day Treatment Day Custodian	2080	\$14.00	\$29,120.00
Day Treatment PT evening cleaner	360	\$13.50	\$4,860.00
EL Day Custodian	2080	\$14.00	\$29,120.00
EL evening Cleaner	2080	\$14.00	\$29,120.00
Total	21160	\$169.45	\$329,236.00
	FTE	10.17	

NEW DASHIR CONTRACT 2017-2021 with 1 new assistant maintenance															
FIRST	POSITION	BLDG	HRS/DAY	DAYS	TOTAL HRS	GRADE	STEP	RATE	SALARY	O/M	PERA	HLTH/LTD	LIFE	403(B)	Total
MANAGER	BLDG/GROUNDS S	DISTRICT WIDE	8	262	2,080	10	12	26.45	55,016.00	0.00	0.00	0.00	0.00	0.00	55,016.00
DISTRICT WIDE M	HEAD OF MAINTENA	DISTRICT WIDE	8	262	2,080	8	12	18.00	37,440.00	0.00	0.00	0.00	0.00	0.00	37,440.00
NEW DISTRICT LE	HEAD OF MAINTENA	DISTRICT WIDE	8	262	2,080	8	12	15.00	31,200.00	0.00	0.00	0.00	0.00	0.00	31,200.00
										0.00	0.00	0.00	0.00		
NEW HIRE	JANITOR - CLEANER	DAY TREATMENT	8	262	2,080	5	1	14.00	29,120.00	0.00	0.00	0.00	0.00	0.00	29,120.00
NEW HIRE	JANITOR - CLEANER	DAY TREATMENT	6	262	360	5	1	13.50	4,860.00	0.00	0.00	0.00	0.00	0.00	4,860.00
										0.00	0.00	0.00	0.00		
NEW HIRE	JANITOR - CLEANER	MAES	8	262	2,080	5	1	14.00	29,120.00	0.00	0.00	0.00	0.00	0.00	29,120.00
NEW HIRE	JANITOR - CLEANER	MAES	6	262	2,080	5	1	14.00	29,120.00	0.00	0.00	0.00	0.00	0.00	29,120.00
										0.00	0.00	0.00	0.00		
NEW HIRE	JANITOR - CLEANER	MAHS	8	262	2,080	5	1	14.00	29,120.00	0.00	0.00	0.00	0.00	0.00	29,120.00
NEW HIRE	JANITOR - CLEANER	MAHS	8	262	2,080	5	1	13.50	28,080.00	0.00	0.00	0.00	0.00	0.00	28,080.00
NEW HIRE	JANITOR - CLEANER	MAHS	6	262	2,080	5	1	13.50	28,080.00	0.00	0.00	0.00	0.00	0.00	28,080.00
NEW HIRE	JANITOR - CLEANER	MAHS	6	262	2,080	5	1	13.50	28,080.00	0.00	0.00	0.00	0.00	0.00	28,080.00
															0.00
					21,160				329,236.00	0.00	0.00	0.00	0.00	0.00	329,236.00
															109,357.13
															46,058.92
															484,652.05

Pequot Lakes Custodial Contract with MAS positions adding 1 new custodial position															
CUSTODIAL										7.65%	7.50%				
FIRST	POSITION	BLDG	HRS/DAY	DAYS	TOTAL HRS	GRADE	STEP	RATE	SALARY	O/M	PERA	HLTH/LTD	LIFE	403(B)	Total
NEW HIRE	BLDG/GROUNDS S	DISTRICT WIDE	8	260	2,080	10	12	24.50	50,960.00	3,898.44	3,822.00	5,878.00	40.00	900.00	65,498.44
NEW HIRE	HEAD OF MAINTENA	DISTRICT WIDE	8	260	2,080	8	12	22.50	46,800.00	3,580.20	3,510.00	5,878.00	40.00	900.00	60,708.20
NEW HIRE	JANITOR - CLEANER	DAY TREATMENT	8	260	2,080	5	1	14.47	30,097.60	2,302.47	2,257.32	5,878.00	40.00	0.00	40,575.39
NEW HIRE	JANITOR - CLEANER	DAY TREATMENT	2	260	520	5	1	14.47	7,524.40	575.62	564.33	5,878.00	40.00	0.00	14,582.35
NEW HIRE	JANITOR - CLEANER	MAES	8	260	2,080	5	1	14.22	29,577.60	2,262.69	2,218.32	5,878.00	40.00	0.00	39,976.61
NEW HIRE	JANITOR - CLEANER	MAES	8	260	2,080	5	1	14.47	30,097.60	2,302.47	2,257.32	5,878.00	40.00	0.00	40,575.39
NEW HIRE	JANITOR - CLEANER	MAHS	8	260	2,080	5	1	17.19	35,755.20	2,735.27	2,681.64	5,878.00	40.00	0.00	47,090.11
NEW HIRE	JANITOR - CLEANER	MAHS	8	260	2,080	5	1	14.22	29,577.60	2,262.69	2,218.32	5,878.00	40.00	0.00	39,976.61
NEW HIRE	JANITOR - CLEANER	MAHS	8	260	2,080	5	1	14.47	30,097.60	2,302.47	2,257.32	5,878.00	40.00	0.00	40,575.39
NEW HIRE	JANITOR - CLEANER	MAHS	8	260	2,080	5	1	14.47	30,097.60	2,302.47	2,257.32	5,878.00	40.00	0.00	40,575.39
NEW POS HIRE	JANITOR - CLEANER	MAHS	8	260	2,080	5	1	14.47	30,097.60	2,302.47	2,257.32	5,878.00	40.00	0.00	40,575.39
WORKCOMP QUOTE from LOWRY															17,957.00
					21,320				350,682.80	26,827.23	26,301.21	64,658.00	440.00	1,800.00	488,666.24

DASHIR wages with MAS positions adding 1 new custodial position															
CUSTODIAL										7.65%	7.50%				
FIRST	POSITION	BLDG	HRS/DAY	DAYS	TOTAL HRS	GRADE	STEP	RATE	SALARY	O/M	PERA	HLTH/LTD	LIFE	403(B)	Total
NEW HIRE	BLDG/GROUNDS S	DISTRICT WIDE	8	260	2,080	10	12	26.45	55,016.00	4,208.72	4,126.20	5,878.00	40.00	0.00	69,268.92
NEW HIRE	HEAD OF MAINTENA	DISTRICT WIDE	8	260	2,080	8	12	22.50	46,800.00	3,580.20	3,510.00	5,878.00	40.00	900.00	60,708.20
NEW HIRE	JANITOR - CLEANER	DAY TREATMENT	8	260	2,080	5	1	14.00	29,120.00	2,227.68	2,184.00	5,878.00	40.00	0.00	39,449.68
NEW HIRE	JANITOR - CLEANER	DAY TREATMENT	2	260	520	5	1	13.50	7,020.00	537.03	526.50	5,878.00	40.00	0.00	14,001.53
NEW HIRE	JANITOR - CLEANER	MAES	8	260	2,080	5	1	14.00	29,120.00	2,227.68	2,184.00	5,878.00	40.00	0.00	39,449.68
NEW HIRE	JANITOR - CLEANER	MAES	8	260	2,080	5	1	14.00	29,120.00	2,227.68	2,184.00	5,878.00	40.00	0.00	39,449.68
NEW HIRE	JANITOR - CLEANER	MAHS	8	260	2,080	5	1	14.00	29,120.00	2,227.68	2,184.00	5,878.00	40.00	0.00	39,449.68
NEW HIRE	JANITOR - CLEANER	MAHS	8	260	2,080	5	1	13.50	28,080.00	2,148.12	2,106.00	5,878.00	40.00	0.00	38,252.12
NEW HIRE	JANITOR - CLEANER	MAHS	8	260	2,080	5	1	13.50	28,080.00	2,148.12	2,106.00	5,878.00	40.00	0.00	38,252.12
NEW HIRE	JANITOR - CLEANER	MAHS	8	260	2,080	5	1	13.50	28,080.00	2,148.12	2,106.00	5,878.00	40.00	0.00	38,252.12
NEW POS HIRE	JANITOR - CLEANER	MAHS	8	260	2,080	5	1	13.50	28,080.00	2,148.12	2,106.00	5,878.00	40.00	0.00	38,252.12
WORKCOMP QUOTE from LOWRY															17,957.00
					21,320				337,636.00	25,829.15	25,322.70	64,658.00	440.00	900.00	472,742.85

8. NEW POLICY DISCUSSION-
ADDING/DROPPING AN SCHOOL SPONSORED ACTIVITY:

**PEQUOT LAKES PUBLIC SCHOOLS
INDEPENDENT SCHOOL DISTRICT #186**

BOARD POLICY	510.6	Adding a School-Sponsored Activity
SERIES:	Students	
ADOPTED:	4/15/13	
REVISION HISTORY:		

I. PURPOSE

To establish criteria by which the Pequot Lakes School District may decide to add Minnesota State High School League (MSHSL) athletic or fine arts activities to its offerings.

II. GENERAL STATEMENT OF POLICY

The Pequot Lakes School District may add MSHSL sponsored activities in one of three ways. All decisions must be approved at the school board level.

A. Offer the activity at Pequot Lakes School District. In order to be considered by the District, all new activity proposals must meet the following minimal criteria:

1. The activity currently exists at the youth level.
2. The activity has participants to sustain program now and into the future.
3. The District has necessary facilities needed to offer the activity.
4. The activity complies with gender equity standards.
5. Area schools offer the activity allowing for the scheduling of contests.
6. The District is financially capable of sponsoring the activity;
7. Approval of the school board.

B. Sponsor the activity as the host school of a cooperative sponsorship. The above minimum criteria, in addition to the following, must be met before pursuing a cooperative sponsorship:

1. The District will be responsible for the financial administration of the activity.
2. As the host school, the District will calculate the costs of the program and bill each member school on a per participant ratio.
 - a. Costs that will be included in the expenses of the program will include but are not limited to MSHSL Fees, Coaching Salaries,

Transportation, Officials, Contest Workers, Uniforms and Equipment, and Custodial Services.

- b. Costs that will not be included in the expenses of the program: Administrative fee and facility rental/use where the District can lease levy the expense.
3. Approval of the school board.
- C. Participate in the activity as a member of a cooperative sponsorship with another school serving as the host school.
 1. This option does not need to meet the minimum criteria mentioned above.
 2. The District may or may not participate in the financial administration of the activity.
 3. The activity must meet gender equity standards.
 4. The addition of the activity is consistent with the District's goals and objectives.
 5. The District determines that the host school of the cooperative sponsorship agreement holds similar expectations as the District.
 6. Approval of the school board.

III. RESPONSIBILITY

The following process will be utilized for review and potential approval of a new activity:

- A. A person or group will submit a request to the Activities Director. The Activities Director and Principal will determine if the above minimum criteria are met. If the Activities Director and Principal support the proposal, it will be brought to the Superintendent for discussion.
- B. Upon Superintendent approval, the proposal will be brought to appropriate board committees for discussion.
- C. Upon board committee approval, the proposal will be brought to the school board for discussion and/or action.

Legal References:

Cross References:

INDEPENDENT SCHOOL DISTRICT 196
Rosemount-Apple Valley-Eagan Public Schools
Educating our students to reach their full potential

Series Number 604 Adopted January 1979 Revised June 2013

Title Cocurricular Student Activities

1. **Definition** - Cocurricular student activities are district-sponsored and directed athletic, fine arts and academic activities for which the student receives no credit toward graduation, which are designed to provide opportunities for students to improve skills through group or individual activities at school and public events.
2. **Responsibility**
 - 2.1 The administration is responsible for all cocurricular activities held in the schools or on school grounds. When it appears to be beneficial and in the best interest of the district to conduct school activities outside the district, the board may authorize such activities to be conducted under such regulations as the administration deems necessary.
 - 2.2 In accordance with state laws, the school district may take appropriate action to protect the free, proper and lawful access to and egress from district property and the proper use of district property and equipment, free from interference or disruption.
 - 2.2.1 The school district may prohibit a parent or other visitor from attending one or more cocurricular activities if that person has been engaged in inappropriate conduct at a cocurricular activity.
 - 2.2.2 The school district may exclude from one or more interscholastic athletic activities sponsored or participated in by a District 196 school, any person who assaults a sports official in connection with an interscholastic athletic activity.
 - 2.3 Student participation fees for cocurricular activities will be set by the School Board (Administrative Regulation 507.2AR, Student Fees and Fines).
 - 2.4 Schools may award cocurricular letters and other honors to students, as they deem appropriate.
 - 2.5 Schools will make reasonable accommodations for students with disabilities to participate in cocurricular programs.
3. **Student Behavior**
 - 3.1 Behavior expectations and consequences for misbehavior for students participating in cocurricular activities shall be the same as for students in other school or district activities, as described in Policy 503, Student Rights and Responsibilities, and Administrative Regulation 503.3AR, Student Behavior Expectations and Consequences for Misbehavior.

- 3.2 Students participating in cocurricular activities will also be required to abide by the bylaws of the Minnesota State High School League, regardless of whether the particular activity is sponsored by the League.

4. **Cocurricular Athletic Activities**

- 4.1 Opportunities to try out for a wide variety of cocurricular athletic activities are available to all students in grades 7-12 regardless of sex, race, religion or disabling condition.

- 4.1.1 Students in grades 7-12 who participate in a Minnesota State High School League-sponsored activity must comply with the game and eligibility rules prescribed in the Official League Handbook of the Minnesota State High School League (MSHSL), and district rules and regulations including requirements for medical eligibility.

- 4.1.2 The board subscribes to the MSHSL's control, supervision and regulation of interscholastic athletics and other cocurricular activities.

- 4.1.3 Gifted Athletes

- 4.1.3.1 Participation by students on secondary school athletic teams shall usually be limited to those students representing the school which they attend for regular classes. Such teams constitute an integral part of the total educational program and are primarily designed to serve the needs of only the students of that school.

- 4.1.3.2 On rare occasions a middle school student may be so physically and emotionally mature and athletically gifted that consideration may be given to allowing that student to leave his or her middle school team and participate on a junior varsity or varsity athletic team at the high school they will attend in ninth grade. Such a decision requires a thoughtful and critical look at those elements inherent in deciding what will be in the best interests of the student, as well as the effect on the middle school and the high school programs. The needs and total welfare of the student, concern for the student's academic, physical, mental and emotional well-being, and the student's best interests will be of highest priority in any such consideration.

- 4.2 Athletic activities offered may differ from school to school, as determined by student interest. When the district, or a district high school or middle school studies the possibility of adding or dropping a cocurricular athletic activity, the following criteria must be considered:

- 4.2.1 The proposed activity must meet the full definition of a sport, as defined by the Minnesota State High School League;

- 4.2.2 The activity to be dropped must be evaluated against the activity to be added in light of gender equity, unduplicated and duplicated student participation counts and cost per participant;
 - 4.2.3 The proposed activity must enhance female or male (depending on the activity) participation opportunities;
 - 4.2.4 The proposed activity must be evaluated in terms of Minnesota State High School League and/or conference sponsorship;
 - 4.2.5 The proposed activity must be evaluated in terms of community support, community programs and facility availability;
 - 4.2.6 Significant student interest for the proposed activity must be determined through focus interviews and high priority interest as reflected in student survey data, and
 - 4.2.7 The proposed activity offers more competitive opportunities for students than the activity to be dropped.
- 4.3 If a cocurricular athletic activity is dropped or added by the Minnesota State High School League, the district will consider dropping or adding the activity, using the criteria described above.
5. **Student Clubs** - Students are encouraged to establish clubs consistent with the philosophy and goals of the district. Before receiving administrative approval for a proposed club, students must submit clearly defined goals supporting the reasons for the existence of the club.
6. **Booster Clubs and Booster Organizations**
 - 6.1 Booster clubs and booster organizations that promote a positive relationship between the school and the community are encouraged.
 - 6.2 The primary purpose of booster clubs and booster organizations is to help the school recognize, promote and support school activities.
 - 6.3 The administration shall establish regulations for school relationships with booster clubs and booster organizations that encourage cooperative efforts, and support for school programs and activities (Administrative Regulation 801.3AR, Booster Clubs and Booster Organizations). Principals are responsible for maintaining close communication with booster clubs and booster organizations to ensure the organization's harmony with the policies and goals of the district.
7. **Field Trips** - The board recognizes that a properly planned, well-conducted and carefully supervised field trip may be a valuable part of a cocurricular program. As such, trips of significant value are encouraged.

- 7.1 The expenses of trips that students are required to participate in as part of the cocurricular program shall be covered by the school, except for students' meals. No student shall be excluded from a trip because of lack of funds.
- 7.2 The expenses of supplemental trips may be covered by the students, the school, school-related organizations and/or non-school groups.
8. **Promotion of Cultural Diversity** - Travel, as well as intranational and international visitation, is recognized as a valuable educational experience.
 - 8.1 The board may sanction such activities when proper precautions have been set for the students' welfare and when the cost of such activities are not substantially in excess of the normal range of costs for district activities.
 - 8.2 To insure equal educational opportunity, activities shall not be approved that may cause undue hardship on any student in terms of cost or time.
9. **Publications** - All student publications shall be published under the supervision of the school principal and his or her designated representative.
10. **Competition** - Because of funding limitations, the district will not provide financial support for students to participate in national competitions, or to attend national festivals or tournaments.

References: - Gender Equity in Athletics: A Manual to Assist Minnesota High Schools to Conduct a Self-Review of Their Athletic Programs, Minnesota State High School League, January 1993
- Section 504 of the Rehabilitation Act of 1973
- Manual on Activity Fund Accounting (MAFA) Student Accounts (Chapter 14 UFARS Manual)
- Minnesota Statute 123B.49, Extracurricular Activities, Insurance
- Minnesota Statute 624.72, Interference With Use of Public Property

Student Activities: Approval to Add or Discontinue Activities

PURPOSE

To establish criteria by which Minnewaska Area School District may decide to add **or discontinue** Minnesota State High School League (MSHSL) athletic or fine arts activities to its offerings.

Minnewaska Area Schools will provide students the opportunity to increase their leadership skills and academic proficiency. Athletic and fine art activities will foster student participation through an array of choices.

GENERAL STATEMENT OF POLICY

The Minnewaska Area School District may add MSHSL sponsored activities in one of **xxx** ways. All decisions must be approved at the school board level.

- A. Offer the activity at Minnewaska Area School District. In order to be considered by the District, all new activity proposals must meet the following minimal criteria:
 1. The activity currently exists at the youth level.
 2. The activity has **student interest and** participants to sustain program now and into the future.
 3. The District has necessary facilities needed to offer the activity.
 4. The activity complies with **MSHSL gender equity, game and eligibility rules prescribed in the of Official League Handbook of the MSHSL.**
 5. Area schools offer the activity allowing for the scheduling of contests.
 6. The District is financially capable of sponsoring the activity.
 7. **The District has availability of appropriately certified staff or adult to oversee the activity.**
 8. **The activity aligns with the strategic goals of the District.**
 9. Approval of the school board.

- B. Sponsor the activity as the host school of a cooperative sponsorship. The above minimum criteria, in addition to the following, must be met before pursuing a cooperative sponsorship:
 1. The District will be responsible for the financial administration of the activity.
 2. As the host school, the District will calculate the costs of the program and bill each member school on a per participant ratio.
 - a. Costs that will be included in the expenses of the program will include but are not limited to MSHSL Fees, Coaching Salaries, Transportation,

Officials, Contest Workers, Uniforms and Equipment, and Custodial Services.

- b. Costs that will not be included in the expenses of the program: Administrative fee and facility rental/use where the District can lease levy the expense.
- c. Approval of the school board.

C. Participate in the activity as a member of a cooperative sponsorship with another school serving as the host school.

- 1. This option does not need to meet the minimum criteria mentioned above.
- 2. The District may or may not participate in the financial administration of the activity.
- 3. The activity must meet gender equity standards.
- 4. The addition of the activity is consistent with the District's goals and Objectives.
- 5. The District determines that the host school of the cooperative sponsorship agreement holds similar expectations as the District.
- 6. Approval of the school board.

The Minnewaska Area School District may **discontinue a** MSHSL sponsored activity. All decisions must be approved at the school board level.

C. **Discontinue** the activity at Minnewaska Area School District. In order to be **discontinued** by the District, all activity proposals must meet **one(?) of the following minimal** criteria:

- 1. The activity has **low student interest and** participants to sustain program now and into the future.
- 2. The District **does not have** ~~has~~ necessary facilities needed to offer the activity.
- 3. The **activities integrity does not comply** ~~complies~~ with **MSHSL gender equity, game and/or eligibility rules prescribed in the Official League Handbook of the MSHSL.**
- 4. Area schools **no longer** offer the activity allowing for the scheduling of contests.
- 5. The District is **not** financially capable of sponsoring the activity.
- 6. **The District does not have an appropriately certified staff or adult to oversee the activity.**
- 7. **Discontinuation of an activity is approved by the school board.**

RESPONSIBILITY

The following process will be utilized for review and potential approval of a new activity:

- A. A person or group will submit a request to the Activities Director. The Activities Director will determine if the above minimum criteria are met. If the Activities Director supports the proposal, it will be brought to the Superintendent for discussion.
- B. Upon Superintendent approval, the proposal will be brought to appropriate board committees **or workshop** for discussion.
- C. Upon board committee approval, the proposal will be brought to the school board for discussion and/or action.

The following process will be utilized for review and potentially **discontinuing an** activity:

- D. A person or group will submit a request to the Activities Director. The Activities Director will determine if the above ~~minimum~~ criteria are met. If the Activities Director supports the proposal, it will be brought to the Superintendent for discussion.
- E. Upon Superintendent approval, the proposal will be brought to appropriate board Committees **or workshop** for discussion.
- F. Upon board committee approval, the proposal will be brought to the school board for discussion and/or action.

CURRENT APPROVED ACTIVITIES

- | | |
|--------------------------|----------------------|
| Visual Arts (F/M) | Knowledge Bowl (F/M) |
| Baseball (M) | Math Masters (F/M) |
| Basketball (F/M) | Musical (F/M) ??? |
| BPA (F/M) | Soccer (M) |
| Dance Team (F) | Softball (F) |
| Golf (F/M) | Speech (F/M) |
| FFA (F/M) | Swim & Dive (F) |
| Football (M) | Tennis (F/M) |
| Jazz Band (F/M) | Trap (F/M) |
| Jazz Choir (F/M) | Volleyball (F) |
| Jazz Solo/Ensemble (F/M) | Wrestling (F/M) |

Minnewaska Area High School
Criteria for Addition, Elimination or Reinstatement of Interscholastic Sports

The following criteria will be considered in depth prior to the addition of any interscholastic sport at Minnewaska Area High School:

1. **The Sport**, by its nature must be a competitive athletic activity, requiring a high level of physical conditioning, training, and skill.
2. **Student Interest** – There should be an indication of strong student interest, not just in terms of participation, but spectator interest as well.
3. **MSHSL** – The sport must be a MSHSL sanctioned activity.
4. **Competition** – There must be organized interscholastic competition at the conference and state levels.
5. **Facilities** – Adequate facilities must exist. It must be possible to coordinate use of facilities as not to conflict with existing programs.
6. **Coaches** – It must be possible to secure competent coaching. The head coach must possess a current Minnesota coaching certificate or license.
7. **Growth** – Consideration must be given to the potential growth of the sport.
8. **Funding** – Adequate funding must be available within the school district budget so the sport can be supportive.
9. **Revenue** – Highest consideration will be given those sports with the potential to generate revenue.
10. **Scheduling** – The potential for scheduling competition on a league basis will be a priority.
11. **Weather & Geography** – The sports must be conducive for adequate practice and competition given the local weather and geographical conditions.
12. **Equal Opportunity** – Priority will be given to those sports that best equalize the opportunities for boys' & girls'.

All requests to add a sport must be made through the Minnewaska Area High School Activities Director.

No sport will be added in the immediate school year in which the request was made. For example, if the request for a sport is approved during the 2017-2018 school year, the sport will become effective during the 2019-2020 school year. There will be a two year waiting period due to the length of time it takes to schedule seasonal events.

Minnewaska Area High School
Criteria for Sports Elimination

The following criteria will be considered in depth prior to the elimination of any interscholastic sport at Minnewaska Area High School:

1. **Availability of qualified coaches:**

2. **Number of participants displaced by eliminating a sport:**

3. **Is there significant opportunity for participation on other school teams?**

4. **Balance of sports opportunities for each season:**

5. **Balance between boys' & girls' sports:**

6. **Degree of competition in conference and non-conference schools:**

7. **Ability to reschedule activities when a sport is reinstated:**

8. **Amount of equipment and inventory:**

9. **Total amount saved through the elimination of a sport:**

10. **Total cost per participant:**

Minnewaska Area High School
Criteria for Sports Reinstatement

The following criteria will be considered in depth prior to the reinstatement of any interscholastic sport at Minnewaska Area High School:

1. **Availability of qualified coaches.**
2. **Student interest:**
 - a. **Number of participants -**
 - b. **Depth of student spectator interest -**
 - c. **Depth of program – Grades 7-12 -**
3. **MSHSL Sanctioned Activity -**
4. **Competition -**
5. **Facilities -**
6. **Funding -**
7. **Revenue -**
8. **Scheduling -**
9. **Seasonal Offerings -**
10. **Community Support –**
11. **Equal Opportunity -**

9. SUPERINTENDENT UPDATE:



MREA
Voice For Greater Minnesota Education

Issue Report

2017 - 2018

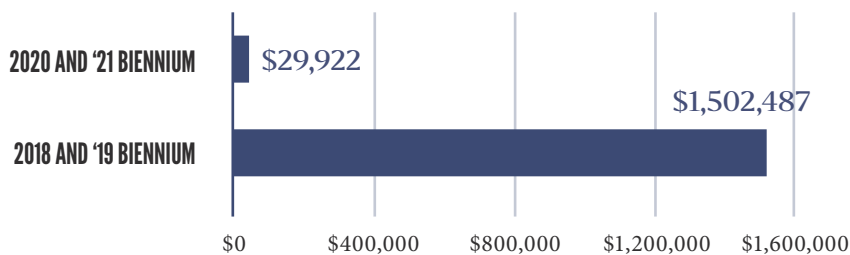
Advocating for Greater Minnesota schools to put first the education, growth, and development of learners to bring about our best possible future.

School Operational Gaps

A conservative growth of 2% and 2% on the formula would require more than \$370 million in the 2020-21 biennium. Only \$29 million is projected for all state spending.

Minnesota faces significant fiscal challenge in the upcoming biennium after several years of significant budget surpluses. The Minnesota Office of Management and Budget projects only a \$29 million surplus for the 2020-21 biennium.

Projected Available Balance for New Appropriations for '20-21 Biennium in \$1,000's



SCHOOL DISTRICTS NEED STATE ASSISTANCE IN SECURING ADDITIONAL REVENUE 2020-21. STRATEGIES INCLUDE:

Impact on Education

Pupil growth statewide and special education are the only factors that automatically increase educational investment annually. All other increases must come from the projected surpluses.

A conservative growth of 2% and 2% on the formula would require more than \$370 million in the 2020-21 biennium. Only \$29 million is projected for all state spending.

Districts may need to look to at increasing operating referendum revenue, but they are limited. The district median referendum (including LOR) in FY '17 was \$930 per APU. One-quarter of Minnesota's districts were at \$724 per pupil, the maximum allowable by board action. The average referendum support per student statewide in FY '17 was \$1,303 per APU. This is because so many large Twin Cities districts have referendums above \$1,450—in the top quartile of all districts.

KEY QUESTION

What steps will your school need to take based on the current state funding forecast?

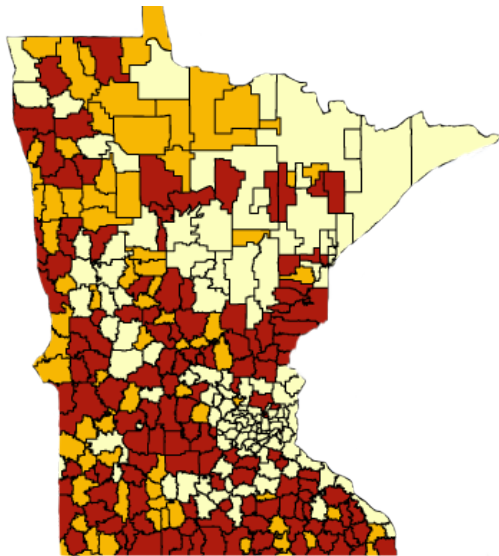


Strategy 1

Enhanced LOR

How it works: Enhanced Local Optional Revenue (E-LOR) would increase the equalization factors and LOR by \$226 to \$650 per Adjusted Pupil Unit (APU) over a three-year period without any referendum subtraction. \$75 per year would be the equivalent of a little over 1% on the formula for three years.

What's the cost? E-LOR state/local costs would depend upon the equalization factors. If equalization factors are not increased, most of the burden will fall mainly on local RMV property taxes.



- School Districts currently eligible for Tier III Aid: RMV/RPU < \$290,000
- School Districts proposed to be eligible for Tier III Aid: RMV/RPU < \$450,000
- Other MN School Districts: RMV/RPU > \$450,000

Strategy 2

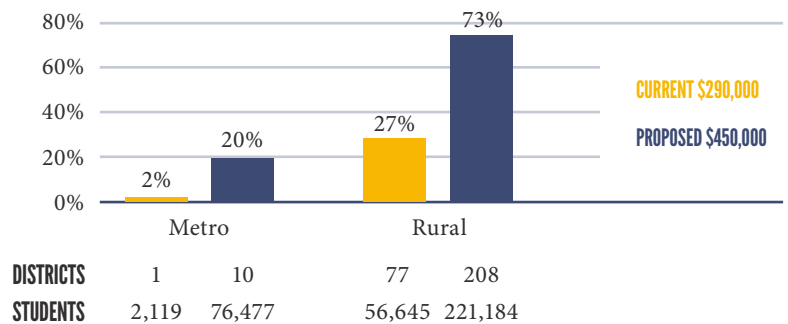
Increased Tier III Equalization

How it works: Increased Equalization for rural and property poor school districts would be most effective with a significant increase to the Tier III equalization factor to \$450,000 RMV/RPU.

A Community Option for districts below 1,000 APU would be to remove their referendum cap, not just for those receiving sparsity aid.

What's the cost? Increased Tier III Equalization would cost an estimated \$3 million for the 2018-19 biennium for existing referendums.

Districts Eligible for Increased Tier III Equalization



What's the impact? Increased Equalization would make an estimated 153 more rural districts eligible for Tier III aid for referendum amounts over \$760 per pupil, due to lower referendum market values per pupil. In districts under 1,000 students where a referendum can make the difference between having a district remain open and viable or consolidate or close, an additional 90 districts would be eligible for Tier III aid for a total of 136 districts, or 79 percent of the 172 districts.

The Community Option would double the number of school districts without a per-pupil cap from 91 receiving sparsity aid to all 172 below 1,000 APU.

Today's teachers are redefining education and creating learning environments that equip, empower and inspire learners. We'll shine a spotlight on teaching through general sessions, more than 30 breakout sessions and other learning connections at the 2017 MREA Annual Conference.

Learn more about the 2017 MREA Annual Conference:
MnREA.org/AnnualConference



Attracting & Retaining Teachers

A teacher crisis is growing across Greater Minnesota as more school districts face a severely shrinking pool of applicants and increased difficulty in finding qualified teachers. That has left positions unfilled and led to program cut backs.

KEY QUESTION

How can the state help your community attract and retain quality teachers?

KEY DRIVERS OF TEACHER SHORTAGE

- Slowing growth and increasing diversity in Minnesota's workforce
- Fewer young people choosing education as a career
- Increased challenges of entering the teaching profession and sustaining a career
- Low income potential and growing wage gap compared to other skilled workers

More at MREAvoice.org/TeacherCrisisGuide



WHERE WE STAND

The 2017 Supply and Demand Report from the Minnesota Department of Education highlighted the continued trend of teacher shortages, especially in special education, math, sciences, career and technical education and ELL.

Efforts have been made to help address the challenges, including:

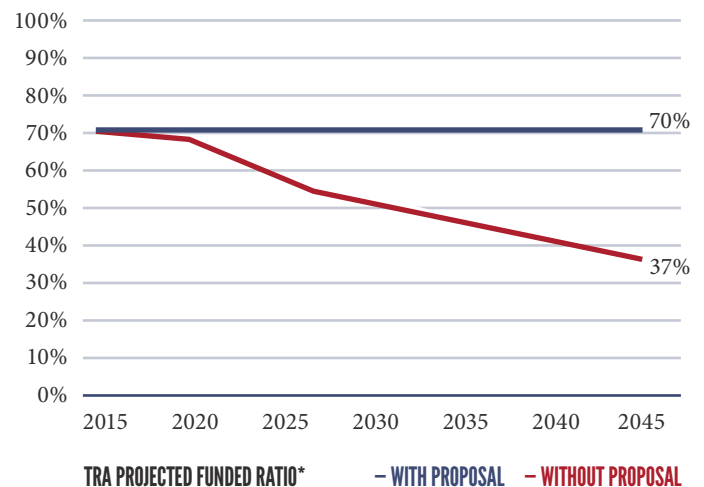
- Tiered Licensure System
- Academic and Behavioral Strategist (ABS) license now a renewable, multi-categorical special education license
- Loan forgiveness and tax credits for student debt payments
- Credentialing support with 18ONLINE and now a statewide partnership

WHAT'S NEEDED

Legislative action is needed to ensure Minnesota students have access to quality teachers:

- Fund TRA with a balanced proposal
- Increase credentialing support for concurrent enrollment teachers
- Expand loan forgiveness
- Provide new Teacher Development and Evaluation funding for non-Q-Comp school districts

TRA Financial Status:
Impact of 7.5% Investment Assumption



*Assumes investment assumption of 7.5% for all years.

Coordinated Early Learning

While there is wide support for early learning and preschool students receiving public preschool education of some type, Minnesota has yet to figure out a statewide approach to deliver high-quality preschool education. There are now eight major programs serving early learners and their families.



WHERE WE STAND

Those programs have grown recently in an effort to continue to provide quality education opportunities for children across Minnesota, especially those with the greatest needs:

- Created School Readiness Plus (SR+) with \$25 million per year in only 2018 and 2019
- Added \$10 million annually to Pathway I scholarships and froze Pathway II scholarships at 2017 level

WHAT'S NEEDED

The Office of Legislative Auditor (OLA) will study funding, services provided, program coordination and service gaps in the multiple early learning programs for the 2018 legislature.

KEY QUESTION

What are your community's greatest early learning needs?

Program Funding for FY 2018 (in millions)

	MINNESOTA	TOTAL Federal, State & Local
School Readiness Plus (SR+)*	\$25	\$25
Voluntary Pre-Kindergarten	\$25	\$25
Early Childhood Family Education (ECFE)	\$29.3	\$45.1
Early Childhood Special Education (ECSE)	\$65.8	\$121.9
School Readiness	\$33.6	\$33.6
Early Learning Scholarships, Pathways I and II**	\$70.2	\$70.2
Head Start (including American Indian Program)	\$25.1	\$94.1
Child Care Assistance (CCAP and MFIP)	\$160.1	\$249.1
Total Annual Investment for FY 2018	\$434.7	\$664.6

*SR+ funded for '18-19 biennium only

**\$17 million Pathway II coordinated by school districts. Pathway I \$ amount frozen at FY '17 level.

SCHOOLS NATURALLY LEAD COORDINATION

Excluding child care assistance, school districts currently coordinate 72% of the state's nearly \$274 million early learning program funding annually.

Cooperative Facilities

Greater Minnesota school districts lack financing mechanisms and need statutory clarity to build, remodel and maintain cooperative facilities for students with high needs.

WHERE WE STAND

Level 4 program space is the most critical need in Greater Minnesota, yet that space is one of the most useful interventions for level 4 students. Limited funding authority outside of the Intermediates stand in the way.

The current lease levy at \$190 per pupil is too small to allow school districts to lease cooperative facilities and too limiting for them to do needed building improvements for safety, security, and instructional changes.

The gap further widens in Greater Minnesota where school districts do not have the ability to levy an additional \$65 for cooperative facilities to build facilities for high needs students like the Twin Cities Intermediate Districts can.

WHAT'S NEEDED

The School Facilities Financing Work Group in 2014 studied this issue and proposed establishing a new school facilities improvement revenue program to replace the current building lease levy. This would provide all school districts with access to a uniform allowance per student for locally defined facility needs.

OPPORTUNITIES FOR 2018 INCLUDE:

- Increase in the current lease levy amount to \$212 and repurpose as School Facilities Improvement Revenue to expand the uses of these funds for facility renovation and improvements as well as lease payments.
- Provide Greater Minnesota school district members of cooperatives the authority to levy up to \$65 per pupil for cooperative facilities.
- Cleanup current statutory barriers to school districts building, remodeling and maintaining cooperative facilities.

KEY QUESTION

What are the cooperative facility and building improvement needs in Greater Minnesota?



10. POLICY UPDATES:

10.A. 402 Disability Nondiscrimination

Adopted: _____

MSBA/MASA Model Policy 402

Orig. 1995

Revised: _____

Rev. ~~2003~~ 2015

402 DISABILITY NONDISCRIMINATION POLICY

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
29 U.S.C. 794 *et seq.* (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: MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

10.B. 406 Public and Private Personnel Data

Adopted: _____

MSBA/MASA Model Policy 406

Orig. 1995

Revised: _____

Rev. 2014

406 PUBLIC AND PRIVATE PERSONNEL DATA

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

I. PURPOSE

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

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

- F. “Finalist” means an individual who is selected to be interviewed by the school board for a position.
- G. “Protected health information” means individually identifiable health information 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 the federal Family Educational Rights and Privacy Act and employment records held by a school district in its role as employer.
- H. “Public officials” means business managers; human resource directors; athletic directors whose duties include at least 50 percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals.

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. 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. An individual's checking account number is private when submitted to a government entity.
- F. Personnel data may be disseminated to labor organizations to the extent the 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.
- G. The school district may display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee.
- H. The school district may, if the 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.
- I. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- J. A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.
- K. When allegations of sexual or other types of harassment are made against an employee, the employee shall 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.

- L. 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.
- M. 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.
- N. 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. Additionally, personnel data may be released for purposes of informing a parent, legal guardian, or custodian of a child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

- O. The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minn. Stat. Ch. 13. Data that are released under this paragraph must not include data on the student.
- P. The identity of an employee making a suggestion as part of an organized self-evaluation effort by the school district to cut costs, make the school district more efficient, or to improve school district operations is private.
- Q. 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.
- R. 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.
- S. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- T. When a teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual abuse or when the Commissioner of the Minnesota Department of Education (MDE) makes a final determination of child maltreatment involving a teacher, the school principal or other person having administrative control of the school must include in the

teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minn. Stat. § 13.41, Subd. 5, and must provide the Board of Teaching and the licensing division at MDE with the necessary and relevant information to enable the Board of Teaching and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minn. Stat. § 123B.03, a school board or other school hiring authority must contact the Board of Teaching and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

VI. MULTIPLE CLASSIFICATIONS

If data on individuals are classified as both private and confidential by 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 [*name and title, telephone*] as the authority responsible for personnel data. If you have any questions, contact [*him/her*].

IX. EMPLOYEE AUTHORIZATION/RELEASE FORM

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.02 (Definitions)
Minn. Stat. § 13.37 (General Nonpublic Data)
Minn. Stat. § 13.39 (Civil Investigation Data)
Minn. Stat. § 13.43 (Personnel Data)
[Minn. Stat. § 13.601, Subd. 3 \(Elected and Appointed Officials\)](#)
Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)

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

Minn. Stat. § 626.556, Subd. 7 (Reporting of Maltreatment of Minors)

P.L. 104-191 (HIPAA)

45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

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

10.C. 410 Family and Medical Leave Policy

Adopted: _____

MSBA/MASA Model Policy 410

Orig. 1995

Revised: _____

Rev. ~~2014~~ 2015

410 FAMILY AND MEDICAL LEAVE POLICY

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

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 servicemember” 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 covered 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, and was discharged or released under conditions other than dishonorable, at any time during the period of five years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.

- 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. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee’s pre-service work schedule can generally be used for calculations. 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 USERRA-covered 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. “Military caregiver leave” means leave taken to care for a covered servicemember with a serious injury or illness.
- E. “Next of kin of a covered servicemember” means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember 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 servicemember, all such family members shall be considered the covered servicemember’s next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin.
- F. “Outpatient status” means, with respect to a covered servicemember who is a current member of the Armed Forces, 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.
- G. “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 15 calendar 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;
8. to address parental care needs; and
9. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.

H. "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.

I. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

J. "Veteran" has the meaning given in 38 U.S.C. § 101.

IV. LEAVE ENTITLEMENT

A. Twelve-week Leave under Federal Law

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. in the case of a covered 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, and is:

- (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
 - (2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - (3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
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 servicemember 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. Twelve-week Leave under State Law

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 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed by the employer. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the employer so that the total leave does not exceed 12 weeks, unless agreed by the employer, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the employer reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

C. Twenty-six-week Servicemember Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. 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 servicemember 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 servicemember 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 servicemember 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 servicemember 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 conspicuously posted in each school district building in areas accessible to employees.
- 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)

10.D. 413 Harassment and Violence

Adopted: _____

MSBA/MASA Model Policy 413

Orig. 1995

Revised: _____

Rev. ~~2014~~ 2015

413 HARASSMENT AND VIOLENCE

[Note: State law (Minn. Stat. § 121A.03) requires that school districts adopt a sexual, religious, and racial harassment and violence policy that conforms with the Minnesota Human Rights Act, Minn. Stat. Ch. 363A (MHRA). This policy complies with that statutory requirement and addresses the other classifications protected by the MHRA and/or federal law. While the recommendation is that school districts incorporate the other protected classifications, in addition to sex, religion, and race, into this policy, they are not specifically required to do so by Minn. Stat. § 121A.03. The Minnesota Department of Education (MDE) is required to maintain and make available a model sexual, religious, and racial harassment policy in accordance with Minn. Stat. § 121A.03. MDE's policy differs from that of MSBA and imposes greater requirements upon school districts than required by law. For that reason, MSBA recommends the adoption of its model policy by school districts. Each school board must submit a copy of the policy the board has adopted to the Commissioner of MDE.]

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, gender, 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, gender, 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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, gender, 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 district 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 student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's race, color, creed, religion, national origin, sex, gender, 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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other school district 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, gender, 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. “Remedial response” means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. 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 student(s) by teachers, administrators, or other school district 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.

G. 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.

H. 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 target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. 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. 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.

- D. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "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. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. 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.
- G. In the District. The school board hereby designates _____ 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.¹
- H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence

¹ In some school districts the superintendent may be the human rights officer. If so, an alternative individual should be designated by the school board.

prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.

- J. Use of formal reporting forms is not mandatory.
- K. 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.
- L. 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.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

Consequences for employees who permit, condone, or tolerate violence or harassment or engage in an act of reprisal or intentional false reporting of violence or harassment may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

V. INVESTIGATION

- A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall 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 target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. 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 an investigation that determines a violation of this policy has occurred, 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. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
- B. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

VII. RETALIATION OR REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, 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. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

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 conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- 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. § 121A.031 (School Student Bullying 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: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
 MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
 MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)
 MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
 MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
 MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
 MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
 MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
 MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)

MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital
Status Nondiscrimination)

10.E. 417 Chemical Use and Abuse

Adopted: _____

MSBA/MASA Model Policy 417

Orig. 1995

Revised: _____

Rev. ~~2012~~ 2015

417 CHEMICAL USE AND ABUSE

[Note: This policy reflects mandatory provisions of state and federal law and is not discretionary.]

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, medical cannabis, 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.

[Note: Comprehensive drug prevention programs are required to be adopted and carried out by school districts pursuant to the Safe and Drug-Free Schools and Communities Act. In addition, school districts are required by the Drug-Free Workplace Act to establish drug-free awareness programs for school district employees. Further, state law authorizes school districts to provide instructional programs in chemical abuse and the prevention of chemical

dependency.]

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, medical cannabis, 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.

[Note: The Safe and Drug-Free Schools and Communities Act requires school districts to adopt and carry out a comprehensive drug and violence prevention program with funds received. Since a comprehensive drug prevention program is required and a school district is specifically authorized by state law to provide instructional programs in chemical abuse and the prevention of chemical dependency, this should be a component of each school district’s mandatory program. In addition, the Safe and Drug-Free Schools and Communities Act specifies additional items which may be included as part of the mandatory comprehensive drug prevention program. Some of the suggested items relating to instruction or training are detailed in Paragraphs 2. through 6. below and a school district may wish to adopt one or all of the listed components as part of its mandatory program.]

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.

F. School and Community Advisory Team

1. The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the school preassessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.
2. The advisory team shall:
 - a. build awareness of the problem within the community, identify available treatment and counseling programs for students, and develop good working relationships and enhance communication between the schools and other community agencies; and
 - b. develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.

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.

[Note: Notification to the federal granting agency within ten (10) days is required by the Drug Free Workplace Act. 41 U.S.C. § 8103.]

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)
[Minn. Stat. § 152.22 \(Medical Cannabis; Definitions\)](#)
[Minn. Stat. § 152.23 \(Medical Cannabis; Limitations\)](#)
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: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks,

Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil
Records)
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor
Vehicles; Patrols, Inspections, and Searches)

10.F. 419 Tobacco-Free Environment

Adopted: _____

MSBA/MASA Model Policy 419

Orig. 1995

Revised: _____

Rev. ~~2012~~ 2014

419 TOBACCO-FREE ENVIRONMENT

[Note: School districts are not required by statute to have a policy addressing these issues. However, Minn. Stat. § 144.416 requires that entities that control public places must make reasonable efforts to prevent smoking in public places, including the posting of signs or any other means which may be appropriate.]

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.

[Note: The following language is not required by law but is recommended by MSBA for inclusion in 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 and the use of electronic cigarettes, including the inhaling and exhaling of vapor from any electronic delivery device.

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 appear 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: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior

11. FUTURE DATES:

11.A. 10/16/17 Regular Board Meeting at 7:00 p.m. in MAHS Board Room

11.B. 10/25/17 Special Work Session at 6:15 p.m in MAHS Media Center

11.C. 11/8/17 Special Work Session at 6:15 p.m in MAHS Media Center

11.D. 11/9/17 Veteran's Day Program at 9:00 a.m. in MAHS Gym

12. ADJOURN: