

**John Bergs**  
Activities Director  
**Margot Hansen**  
Director of Teaching & Learning  
**Jeff Heine**  
Buildings & Grounds Director



**Chuck Keller**  
Business Director  
**Angie Kahle**  
Student Support Services Director  
**Dorothy Koller**  
Community Education Director

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**REGULAR BOARD MEETING**  
District Office, 130 South Willow Street, Belle Plaine, MN 56011  
6:00 PM Monday, October 28, 2013

*Our mission is to pursue excellence in academics, programming, and the social and emotional development of our students. Fostering a culture of kindness, inclusion, and pride in ourselves, our school, and our community.*

**1. Call to Order:**

**2. Acknowledgment of Visitors and Special Presentations:**

**1. Adaptive Sports Program Presentation:**

Mr. Chad Williams

**3. Other Items as Brought Before the Board & Consideration of Agenda:**

**4. Consensus Items:**

**1. Previous Board Meeting Minutes:**

**3**

**2. Approve Monthly Expenditures:**

**8**

**3. Personnel:**

**21**

**4. Donations:**

**22**

**5. Approve Special Board Meeting for Monday, November 11, 2013:**

Dr. Smith

**5. Discussion Items:**

**1. Superintendent Update:**

Dr. Smith

**2. Board Member Reports:**

Board Members

**23**

**6. Action Items:**

**1. MN State High School League Items:**

<b><u>1. Request to Add Adaptive Sports Cooperative Program:</u></b>	Dr. Smith	<b><u>27</u></b>
<b><u>2. MSHSL Grant Proposal:</u></b>	Dr. Smith	<b><u>28</u></b>
<b><u>2. Athletic Complex Restroom Facility Project:</u></b>	Dr. Smith	<b><u>30</u></b>
<b><u>3. Assurance of Compliance for MDE:</u></b>	Dr. Smith	<b><u>32</u></b>
<b><u>4. School Board Policy Review:</u></b>	Dr. Smith	<b><u>34</u></b>
<b><u>7. Upcoming Meetings:</u></b>		
<b><u>8. Adjourn:</u></b>		

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Board Clerk

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Date

# Minutes of Regular Board Meeting

**MINUTES WILL NOT BE APPROVED UNTIL THE NEXT BOARD MEETING**

## The School Board of Belle Plaine Public Schools

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A Regular Board Meeting of the Board of Belle Plaine Public Schools was held Monday, September 23, 2013, beginning at 6:00 PM in the District Center - Board Room.

1. Call to Order:

*The regular monthly meeting of the Belle Plaine School Board was called to order by Chairperson Lenz on Monday, September 23, 2013 at 6:02 pm at the District Center Board Room with the following members present: Lenz, Daly, Nagel, Bigaouette, Steinhagen, Ludvik and Supt. Smith.*

2. Acknowledgment of Visitors and Special Presentations:

Chairperson Lenz will ask if visitors wish to be placed on the Agenda.

2. 1. Presentation of Special Education Program Awards:

Chad Williams, Director of Special Services, presented information with the board regarding some recognition that our special education program and staff received recently from the MN Dept. Of Education.

Presenter: Chad Williams

2. 2. Review of Vision Card A - Student Learning:

At our workshop, we discussed the recent release of MCA test results from last spring's assessment period. Dr. Smith presented information on our Vision Card A - Student Learning and how our second year of scores have placed us with regard to our district goals. The updated Vision Card is available to the public on the School Board portion of our district website.

Presenter: Dr. Smith

3. Other Items as Brought Before the Board & Consideration of Agenda:

Chairperson Lenz will ask if there are any items that need to be brought before the board and for consideration of the Agenda.

*Motion by Bigaouette and second by Ludvik to approve the agenda with the addition of Action Item 6.3.5 – 7-12 Language Arts Textbook Purchases. Motion carried unanimously.*

4. Consensus Items:

If any board member has concerns about the adoption of the following consensus items, please acknowledge the Chairperson prior to the final vote. If there are no concerns, these items will be voted on as a group.

*Motion by Nagel and second by Bigaouette to approve all of the following consensus items. Motion carried unanimously.*

4. 1. Previous Board Meeting Minutes:

Enclosed are the August 26, 2013 Regular Board Meeting minutes for your review and adoption.

4. 2. Approve Monthly Expenditures:

At the board finance meeting, expenditures for the month of September were reviewed. Administration recommends approval of the September 2013 disbursements totaling \$806,709.71. This includes hand payables of \$50,462.40 and electronic payments of \$459,756.90.

4. 3. Personnel:

Approve with regrets the resignation of Daniel Uremovich as Custodian effective September 5, 2013.

Approve the hire of Marty Williams as evening custodian at the JH-SH at Step 2 (\$13.69/hr - this includes the evening shift differential) effective September 16, 2013.

Approve an Employee Leave Request for Missy Caola, Chatfield Para, effective September 3-20, 2013.

Approve the request from administration to add a 1st assistant for Boys & Girls Cross Country due to high participation. We currently have 60 students participating in grades 7-12 with 2 coaches plus an adjunct coach. The recommendation is to move the adjunct coach to the 1st assistant level at \$1496 for this year.

Approve the following Lane Changes: Kelly Adrian BA15/10 Step 5 to BA30/20 Step 5, Lori Cantrell BA30/20 Step 6 to MA Step 6, Andrea Engel BA Step 4 to BA30/20 Step 4, Richard Foust MA30/20 Step 23 to MA45/30 Step 23, Jennifer Grabow BA Step 2 to BA15/10 Step 2, Marci Greisen MA30/20 Step 9 to MA45/30 Step 9, Melissa Hanson MA30/20 Step 8 to MA45/30 Step 8, Jennifer Jungwirth BA30/20 Step 5 to BA45/30 Step 5, Bethany Otto BA Step 7 to BA30/20 Step 7, Christa Ranweiler BA15/10 Step 7 to BA30/20 Step 7, Katie Stevens BA15/10 Step 1 to BA30/20 Step 1 and Abbigail Volek BA15/10 Step 5 to BA30/20 Step 5.

4. 4. Student Enrollment:

Approve a 2nd grade Jordan resident to attend Belle Plaine for the 2013-14 school year.

Approve an 11th grade Belle Plaine resident to attend New Prague Area Schools for the 2013-14 school year.

4. 5. Donations:

Date	Donor	Item and Nature of Donation/Gift	Value or Amount
8/22/13	Kwik Trip – Milk Money	Split between Chatfield and Oak Crest Elementary's Activity Accounts	\$236.35

8/22/13	MN Historical Society	Reimbursement for Grade 6 Fort Snelling Field Trip	\$315.00
8/22/13	Coborns – Labels for Learning	To benefit Oak Crest Elementary	\$395.77
9/5/13	Target – Take Charge of Education	From Red Card purchases to benefit Chatfield Elementary	\$2,945.30
9/13/13	Belle Plaine PTO	Purchase “Brain Pop” for Chatfield Elementary for the 2013-14 school year	\$1,510.75

5. Discussion Items:

5. 1. Superintendent Update:

Superintendent Smith will provide updates on current school activities including iTime, FFA Blood Drive, Homecoming Week, Candidate Forum on 10/21, etc.

Presenter: Dr. Smith

5. 2. Board Member Reports:

Director Nagel reported on recent meetings at SW Metro Cooperative and the recent sale of property to Eastern Carver County Schools, the upcoming bus tour on 9/26 and the Cooperative Foundation Gala to be held on 11/1.

5. 3. Principal Reports:

Our building principals and activities director have prepared a summary of school events/happenings for your review. The reports are attached.

6. Action Items:

6. 1. Approve Preliminary 13 Pay 14 Levy:

The initial report of the 13 Pay 14 levy was reviewed at the September board work session. A revised summary of the levy is attached to this agenda item for your review. The summary displays the changes in the levy categories from last year to this year along with any new categories that were created by the recent legislative session. Administration recommends approving the Maximum levy at this time which is stated as a 5.13% increase (an increase of \$228,287). The school board does have the authority to lower this amount at our December meeting. A revised recommendation will be brought forward at that time.

Presenter: Dr. Smith/Mr. Keller

*Motion by Bigaouette and second by Nagel to approve the maximum 13 Pay*

*14 Levy at this time with the option to lower this amount at the December meeting. Motion carried unanimously.*

6. 2. Review of Replacement Plan for District Exterior Lighting:

Mr. Heine recently approached me with a request to review proposals for our exterior lighting district wide. We are seeing increasing maintenance issues with our wall packs on the exterior of buildings and have increasing difficulty in keeping some fixtures operating. We know that we have approximately \$3,000 in repair/maintenance costs that we are looking at this fall. Mr. Heine's recommendation is to look at a full replacement of all exterior lights to end up with a consistent bulb (a 10 watt LED bulb) across the district that will operate far more efficiently and hopefully reduce some of the ongoing maintenance that we are seeing. Mr. Heine will have further information available at the meeting regarding proposals that he may have.

Presenter: Mr. Heine

*Motion by Daly and second by Bigaouette to approve the replacement plan for District Exterior Lighting and to begin work immediately. Motion carried unanimously.*

6. 3. Approve Policy Revisions:

The following policies were reviewed at the work session and have minimal changes as recommended by MSBA. The five policies to be reviewed are: 506 - Student Discipline; 508 - Extended School Year for Certain Students with IEPs; 509 - Enrollment of Non-Resident Students; 512 - School-Sponsored Student Publications & Activities; 513 - Student Promotion, Retention & Program Design. I have attached copies of the current district policy and the revised version recommended by MSBA. It is recommended that approval of the recommended changes be accepted. Let me know if you have any questions regarding these changes.

Presenter: Dr. Smith

*Motion by Ludvik and second by Daly to approve revisions on the following policies: 506, 508, 509, 512 and 513. Motion carried unanimously.*

6. 3. 5 7-12 Language Arts Textbook Purchase

*Motion by Nagel and second by Bigaouette to approve the 7-12 Language Arts Textbook Purchase utilizing an additional \$35,000 to \$40,000 of fund balance to pay for purchases. Motion carried unanimously.*

6. 4. Negotiations Strategy Sessions:

Pursuant to M.S. 13D.03, the school board, along with Dr. Smith, will go into closed session for the purposes of discussing negotiations strategy for the Belle Plaine Education Association (BPEA) and the Belle Plaine Education Support Personnel (BPESP). The regular meeting will be reconvened following the conclusion of the closed meeting at which time the regular meeting will be adjourned.

Presenter: Dr. Smith

6. 4. 1. Motion to Close the Meeting Pursuant to M.S. 13D.03.

*Motion by Daly and second by Bigaouette to close the regular meeting to discuss negotiation strategies for BPEA and BPESP at 6:58 pm.*

*Motion carried unanimously.*

6. 4. 2. Motion to Reconvene Regular Meeting:

*Motion by Bigaouette and second by Nagel to reconvene the regular meeting at 7:38 pm. Motion carried unanimously.*

7. Upcoming Meetings:

Thursday, October 3, 2013 6:00 p.m. BPEA Negotiations

Tuesday, October 10, 2013 5:30 p.m. BPESP Negotiations

Monday, October 14, 2013 6:00 p.m. School Board Work Session

Monday, October 21, 2013 7:00 p.m. School Board Candidate Forum

Monday, October 28, 2013 5:30 p.m. Finance Committee Meeting

6:00 p.m. School Board Meeting

8. Adjourn:

*Motion by Daly and second by Bigaouette to adjourn at 7:39 pm. Motion carried unanimously.*

## Belle Plaine Public Schools Pre Payment Report

GrpCode	Rcd	W9	Vendor	Batch	Voucher	Inv No	Gross Amount	Disc Amt	Net Payment	Inv Date	Due Date	Disc Date
1	2649	N	AARP	V40401	41018	10112013	234.00	0.00	234.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$234.00			
1	4332	N	ABBIGAIL VOLEK	V40401	41036	09302013	60.86	0.00	60.86	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$60.86			
1	1021	N	AIM ELECTRONICS	V40401	41066	36639	275.03	0.00	275.03	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$275.03			
1	6210	N	ALICIA SMITH	V40401	41056	09302013	27.00	0.00	27.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$27.00			
1	4835	N	ARCTIC ICE	V40401	41070	651425	82.50	0.00	82.50	10/17/2013	10/17/2013	10/17/2013
1	4835	N	ARCTIC ICE	V40401	41067	651710,651935	96.25	0.00	96.25	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$178.75			
1	4589	N	BANC OF AMERICA LEASING	V40401	41012	53	8,256.74	0.00	8,256.74	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$8,256.74			
1	1125	N	BELLE PLAINE HERALD	V40401	41136	15629	161.50	0.00	161.50	10/22/2013	10/22/2013	10/22/2013
1	1125	N	BELLE PLAINE HERALD	V40401	41027	10122013	26.00	0.00	26.00	10/17/2013	10/17/2013	10/17/2013
1	1125	N	BELLE PLAINE HERALD	V40401	41014	15608	3,068.00	0.00	3,068.00	10/17/2013	10/17/2013	10/17/2013
1	1125	N	BELLE PLAINE HERALD	V40401	41183	15612	3,170.00	0.00	3,170.00	10/24/2013	10/24/2013	10/24/2013
							Check Amount:		\$6,425.50			
1	1215	N	CAREN GROTBORG	V40401	41033	09302013	15.26	0.00	15.26	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$15.26			
1	1220	N	CAROL LAGERGREN	V40401	41015	09302013	141.59	0.00	141.59	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$141.59			
1	1240	N	CERISSE MURPHY	V40401	41051	09302013	50.85	0.00	50.85	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$50.85			
1	6211	N	CHAD WILLIAMS	V40401	41061	09302013	343.01	0.00	343.01	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$343.01			
1	4491	N	CHERYL GORTON	V40401	41050	09302013	46.00	0.00	46.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$46.00			
1	5310	N	CHUCK KELLER	V40401	41026	09302013	157.07	0.00	157.07	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$157.07			
1	1262	N	CITY OF BELLE PLAINE	V40401	41139	00002973	204.92	0.00	204.92	10/22/2013	10/22/2013	10/22/2013

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GrpCode	Rcd	W9	Vendor	Batch	Voucher	Inv No	Gross Amount	Disc Amt	Net Payment	Inv Date	Due Date	Disc Date
1	1262	N	CITY OF BELLE PLAINE	V40401	41065	00002964	135.31	0.00	135.31	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$340.23			
1	6214	N	CITY OF ST PETER RECREATION (V40401		41186	61812	30.00	0.00	30.00	10/24/2013	10/24/2013	10/24/2013
							Check Amount:		\$30.00			
1	2730	N	DAVE KREFT	V40401	41034	09302013	152.55	0.00	152.55	10/17/2013	10/17/2013	10/17/2013
1	2730	N	DAVE KREFT	V40401	41038	09302013	50.85	0.00	50.85	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$203.40			
1	4565	N	DE LAGE LANDEN	V40401	41022	19711816	418.00	0.00	418.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$418.00			
1	6212	N	DEPARTMENT OF HUMAN SERVIC V40401		41078	00000162780	185.00	0.00	185.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$185.00			
1	3393	N	DEPT OF HEALTH	V40401	41184	585251	45.00	0.00	45.00	10/24/2013	10/24/2013	10/24/2013
							Check Amount:		\$45.00			
1	3662	N	DISTRIBUTED WEBSITE CORP	V40401	41182	16893	1,952.00	0.00	1,952.00	10/24/2013	10/24/2013	10/24/2013
1	3662	N	DISTRIBUTED WEBSITE CORP	V40401	41068	16816	99.00	0.00	99.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$2,051.00			
1	5579	N	EDUCATORS BENEFIT CONSULTA V40401		41074	20079	200.00	0.00	200.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$200.00			
1	1435	N	ELLEN VAN RAVENSWAAY	V40401	41029	08092013	23.80	0.00	23.80	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$23.80			
1	1485	N	FREMONT INDUSTRIES INC	V40401	41156	814185	2,000.00	0.00	2,000.00	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$2,000.00			
1	1528	N	GROTH MUSIC	V40401	41122	2095700	203.52	0.00	203.52	10/21/2013	10/21/2013	10/21/2013
1	1528	N	GROTH MUSIC	V40401	41117	2099954	195.00	0.00	195.00	10/21/2013	10/21/2013	10/21/2013
1	1528	N	GROTH MUSIC	V40401	41121	2085250	62.40	0.00	62.40	10/21/2013	10/21/2013	10/21/2013
1	1528	N	GROTH MUSIC	V40401	41118	2085245	463.20	0.00	463.20	10/21/2013	10/21/2013	10/21/2013
1	1528	N	GROTH MUSIC	V40401	41119	2091327	1,156.80	0.00	1,156.80	10/21/2013	10/21/2013	10/21/2013
							Check Amount:		\$2,080.92			
1	3278	N	HUMERATECH	V40401	41140	131486	2,849.40	0.00	2,849.40	10/22/2013	10/22/2013	10/22/2013
1	3278	N	HUMERATECH	V40401	41141	131485	9,807.58	0.00	9,807.58	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$12,656.98			

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GrpCode	Rcd	W9	Vendor	Batch	Voucher	Inv No	Gross Amount	Disc Amt	Net Payment	Inv Date	Due Date	Disc Date
1	6215	N	HYDRA POWER HYDRAULICS	V40401	41130	8584	294.05	0.00	294.05	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$294.05			
1	3933	N	INFINITE CAMPUS INC	V40401	41073	SRVINV010493	4,104.00	0.00	4,104.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$4,104.00			
1	1607	N	ISD 287	V40401	41180	71193	2,055.12	0.00	2,055.12	10/24/2013	10/24/2013	10/24/2013
							Check Amount:		\$2,055.12			
1	2339	N	J W PEPPER & SON INC	V40401	41143	11896091	240.00	0.00	240.00	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$240.00			
1	1202	N	JANIS BUESGENS	V40401	41062	09302013	20.34	0.00	20.34	10/17/2013	10/17/2013	10/17/2013
1	1202	N	JANIS BUESGENS	V40401	41048	09302013	25.43	0.00	25.43	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$45.77			
1	2542	N	JEANINE KRUSCHKE	V40401	41047	09302013	120.44	0.00	120.44	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$120.44			
1	5198	N	JEFF SCHIPULL	V40401	41023	09282013	50.00	0.00	50.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$50.00			
1	5787	N	JENNIFER GRABOW	V40401	41045	09302013	304.59	0.00	304.59	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$304.59			
1	1637	N	JEROLD STAUFFACHER	V40401	41044	09302013	249.00	0.00	249.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$249.00			
1	6208	N	JILL MORREIM	V40401	41025	09302013	104.87	0.00	104.87	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$104.87			
1	5211	N	JILL PROVANCHA	V40401	41046	09302013	453.01	0.00	453.01	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$453.01			
1	5725	N	JOHN GARVEY	V40401	41053	9302013	67.80	0.00	67.80	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$67.80			
1	3397	N	JUSTIN JOHNSTON	V40401	41043	09302013	239.56	0.00	239.56	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$239.56			
1	4502	N	KELLY ADRIAN	V40401	41030	08222013	46.96	0.00	46.96	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$46.96			
1	5631	N	KERRI WILLIAMSON	V40401	41055	09302013	33.43	0.00	33.43	10/17/2013	10/17/2013	10/17/2013

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GrpCode	Rcd	W9	Vendor	Batch	Voucher	Inv No	Gross Amount	Disc Amt	Net Payment	Inv Date	Due Date	Disc Date
1	5631	N	KERRI WILLIAMSON	V40401	41054	09302013	215.83	0.00	215.83	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$249.26			
1	6174	N	KID TALK, INC	V40401	41072	2013-10005	8,381.25	0.00	8,381.25	10/17/2013	10/17/2013	10/17/2013
1	6174	N	KID TALK, INC	V40401	41071	213-10032	6,000.00	0.00	6,000.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$14,381.25			
1	5789	N	KIM DEWITTE	V40401	41032	09302013	403.41	0.00	403.41	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$403.41			
1	4843	N	KRIS ANN KRAUSE	V40401	41024	09162013	661.50	0.00	661.50	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$661.50			
1	4119	N	KRIS DAVIS	V40401	41115	09302013	67.80	0.00	67.80	10/21/2013	10/21/2013	10/21/2013
							Check Amount:		\$67.80			
1	1707	N	LANGE'S PLUMBING & HEATING	V40401	41153	123377	1,131.00	0.00	1,131.00	10/22/2013	10/22/2013	10/22/2013
1	1707	N	LANGE'S PLUMBING & HEATING	V40401	41154	123442	179.00	0.00	179.00	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$1,310.00			
1	1711	N	LAURIE GREEN	V40401	41035	09302013	152.55	0.00	152.55	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$152.55			
1	1725	N	LESUEUR COMM ED	V40401	41185	1901-1	120.00	0.00	120.00	10/24/2013	10/24/2013	10/24/2013
							Check Amount:		\$120.00			
1	5357	N	LIANN HANSON	V40401	41060	09302013	539.58	0.00	539.58	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$539.58			
1	6209	N	LUKE AUDETTE	V40401	41042	0932013	166.64	0.00	166.64	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$166.64			
1	1785	N	MASBO	V40401	41021	6514198	140.00	0.00	140.00	10/17/2013	10/17/2013	10/17/2013
1	1785	N	MASBO	V40401	41020	6514142	50.00	0.00	50.00	10/17/2013	10/17/2013	10/17/2013
1	1785	N	MASBO	V40401	41019	6514121	50.00	0.00	50.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$240.00			
1	3275	N	MEDFORD WRESTLING BOOSTER	V40401	41076	12072013	65.00	0.00	65.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$65.00			
1	4145	N	MEDICAREBLUE RX	V40401	41016	29820036	313.50	0.00	313.50	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$313.50			

## Belle Plaine Public Schools Pre Payment Report

GrpCode	Rcd	W9	Vendor	Batch	Voucher	Inv No	Gross Amount	Disc Amt	Net Payment	Inv Date	Due Date	Disc Date
1	2594	N	MELISSA BRUESKE	V40401	41037	09302013	169.58	0.00	169.58	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$169.58			
1	5091	N	MINDY SPARBY	V40401	41058	09302013	301.71	0.00	301.71	10/17/2013	10/17/2013	10/17/2013
1	5091	N	MINDY SPARBY	V40401	41057	09302013	29.64	0.00	29.64	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$331.35			
1	2762	N	MN DEPT LABOR & INDUSTRY	V40401	41148	ABR0077684I	50.00	0.00	50.00	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$50.00			
1	5995	N	MSU - MANKATO	V40401	41181	00767020	17,331.48	0.00	17,331.48	10/24/2013	10/24/2013	10/24/2013
							Check Amount:		\$17,331.48			
1	6155	N	NICHOLAS ZWICK	V40401	41031	08232013	39.96	0.00	39.96	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$39.96			
1	5485	N	NICOLE POSHKOFF	V40401	41059	09152013	41.72	0.00	41.72	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$41.72			
1	1918	N	NIEMAN ROOFING CO. INC	V40401	41157	3758	4,129.00	0.00	4,129.00	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$4,129.00			
1	2002	N	PROTECTION SYSTEMS INC	V40401	41174	22170	5,300.00	0.00	5,300.00	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41173	22173	5,300.00	0.00	5,300.00	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41172	22176	2,500.00	0.00	2,500.00	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41170	22210	227.00	0.00	227.00	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41169	22216	207.00	0.00	207.00	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41168	22172	110.70	0.00	110.70	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41166	22174	1,500.00	0.00	1,500.00	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41165	22177	1,450.00	0.00	1,450.00	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41164	22168	1,450.00	0.00	1,450.00	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41163	22208	55.30	0.00	55.30	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41171	22175	2,690.00	0.00	2,690.00	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41175	22169	2,690.00	0.00	2,690.00	10/22/2013	10/22/2013	10/22/2013
1	2002	N	PROTECTION SYSTEMS INC	V40401	41167	22171	1,500.00	0.00	1,500.00	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$24,980.00			
1	2847	N	PSAT/NMSQT	V40401	41138	240200	203.00	0.00	203.00	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$203.00			
1	3866	N	RACHELLE KERKOW	V40401	41039	09302013	85.88	0.00	85.88	10/17/2013	10/17/2013	10/17/2013
1	3866	N	RACHELLE KERKOW	V40401	41049	09302013	50.85	0.00	50.85	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$136.73			

**Belle Plaine Public Schools  
Pre Payment Report**

GrpCode	Rcd	W9	Vendor	Batch	Voucher	Inv No	Gross Amount	Disc Amt	Net Payment	Inv Date	Due Date	Disc Date
1	6111	N	RAM MUTUAL INSURANCE COMP	V40401	41116	162728	3,795.66	0.00	3,795.66	10/21/2013	10/21/2013	10/21/2013
							Check Amount:		\$3,795.66			
1	2027	N	REGION 2A - MSHSL	V40401	41064	10172013	140.00	0.00	140.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$140.00			
1	3380	N	RENEE MALECHA	V40401	41137	09302013	13.22	0.00	13.22	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$13.22			
1	4069	N	RIVERS EDGE CONCRETE	V40401	41147	5806	895.08	0.00	895.08	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$895.08			
1	5497	N	SARA BUNGARDEN	V40401	41041	09302013	228.83	0.00	228.83	10/17/2013	10/17/2013	10/17/2013
1	5497	N	SARA BUNGARDEN	V40401	41040	09302013	30.82	0.00	30.82	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$259.65			
1	2067	N	SCHMITT MUSIC COMPANY	V40401	41135	125066195	30.24	0.00	30.24	10/22/2013	10/22/2013	10/22/2013
1	2067	N	SCHMITT MUSIC COMPANY	V40401	41134	125066107	52.16	0.00	52.16	10/22/2013	10/22/2013	10/22/2013
1	2067	N	SCHMITT MUSIC COMPANY	V40401	41133	125033398	31.33	0.00	31.33	10/22/2013	10/22/2013	10/22/2013
1	2067	N	SCHMITT MUSIC COMPANY	V40401	41132	125033963	6.36	0.00	6.36	10/22/2013	10/22/2013	10/22/2013
1	2067	N	SCHMITT MUSIC COMPANY	V40401	41131	125058864	120.90	0.00	120.90	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$240.99			
1	3336	1	SCHOOL SPECIALTY	V40401	41150	208111481994	3,268.25	0.00	3,268.25	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$3,268.25			
1	2083	N	SCOTT COUNTY	V40401	41013	54697	2,629.00	0.00	2,629.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$2,629.00			
1	4673	N	SCOTT HALLGREN	V40401	41052	09302013	180.80	0.00	180.80	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$180.80			
1	2872	N	SCOTT RENNE	V40401	41142	09302013	66.67	0.00	66.67	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$66.67			
1	4537	N	SIMPLEXGRINNELL	V40401	41145	69345490	754.25	0.00	754.25	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$754.25			
1	3842	N	SIWEK LUMBER	V40401	41146	02-64890-00	181.74	0.00	181.74	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$181.74			
1	2137	N	SOUTH CENTRAL ECSU	V40401	41149	14436	1,621.71	0.00	1,621.71	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$1,621.71			

## Belle Plaine Public Schools Pre Payment Report

GrpCode	Rcd	W9	Vendor	Batch	Voucher	Inv No	Gross Amount	Disc Amt	Net Payment	Inv Date	Due Date	Disc Date
1	2153	N	STASNEY ELECTRIC LLC	V40401	41162	26565	21.56	0.00	21.56	10/22/2013	10/22/2013	10/22/2013
1	2153	N	STASNEY ELECTRIC LLC	V40401	41161	26588	190.40	0.00	190.40	10/22/2013	10/22/2013	10/22/2013
1	2153	N	STASNEY ELECTRIC LLC	V40401	41160	26607	5,419.08	0.00	5,419.08	10/22/2013	10/22/2013	10/22/2013
1	2153	N	STASNEY ELECTRIC LLC	V40401	41159	26638	217.22	0.00	217.22	10/22/2013	10/22/2013	10/22/2013
1	2153	N	STASNEY ELECTRIC LLC	V40401	41158	26552	279.05	0.00	279.05	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$6,127.31			
1	2157	N	STEFFEN HARDWARE	V40401	41176	SEPTEMBER	96.56	0.00	96.56	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$96.56			
1	3939	N	STEVE'S LANDSCAPING	V40401	41155	10132013	485.00	0.00	485.00	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$485.00			
1	2188	N	TAHER INC	V40401	41017	0038335-IN	76,902.87	0.00	76,902.87	10/17/2013	10/17/2013	10/17/2013
1	2188	N	TAHER INC	V40401	41077	0038014-IN	5,067.33	0.00	5,067.33	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$81,970.20			
1	2230	N	THINKING CAP QUIZ BOWL	V40401	41075	11202013	70.00	0.00	70.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$70.00			
1	2509	N	TIME FOR KIDS	V40401	41069	322272284	331.50	0.00	331.50	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$331.50			
1	2266	N	TRUGREEN CHEMLAWN	V40401	41144	10799947	549.34	0.00	549.34	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$549.34			
1	6182	N	WACONIA COMMUNITY ED.	V40401	41028	131	160.00	0.00	160.00	10/17/2013	10/17/2013	10/17/2013
							Check Amount:		\$160.00			
1	2573	N	WHITEWATER WIRELESS INC	V40401	41152	R13010113088	5,070.00	0.00	5,070.00	10/22/2013	10/22/2013	10/22/2013
1	2573	N	WHITEWATER WIRELESS INC	V40401	41151	R13096139	109.15	0.00	109.15	10/22/2013	10/22/2013	10/22/2013
							Check Amount:		\$5,179.15			
							Report Total:		\$219,920.55			

\*Does not meet minimum amount  
\*\*Exceeds maximum amount

# Hand Pays

Batch	Co	Pmt No	Bank	Check No	Pay Type	Grp	Code	Vendor	Print	Recon	Pay Date	Void	Curr	Amount
P403P2	0716	31650	SBC	55603	CH	1	1134	BELLE PLAINE SCHOOL	Y	N	9/20/2013	CN	USD	4,575.77
P403P2	0716	31649	SBC	55604	CH	1	1836	NCPERS MINNESOTA	Y	N	9/20/2013	CN	USD	16.00
P40402	0716	31733	SBC	55655	CH	1	5776	ANDREW SOWADA	Y	N	10/1/2013	CN	USD	83.00
P40402	0716	31722	SBC	55656	CH	1	1158	BILL EADS	Y	N	10/1/2013	CN	USD	83.00
P40402	0716	31735	SBC	55657	CH	1	6176	CHANHASSEN HIGH SCHOOL	Y	N	10/1/2013	CN	USD	195.00
P40402	0716	31727	SBC	55658	CH	1	2339	J W PEPPER & SON INC	Y	N	10/1/2013	CN	USD	22.99
P40402	0716	31727	SBC	55658	CH	1	2339	J W PEPPER & SON INC	Y	N	10/1/2013	CN	USD	60.99
P40402	0716	31737	SBC	55659	CH	1	6184	JILL JOPP	Y	N	10/1/2013	CN	USD	1,046.68
P40402	0716	31723	SBC	55660	CH	1	1660	JORDAN HIGH SCHOOL	Y	N	10/1/2013	CN	USD	50.00
P40402	0716	31728	SBC	55661	CH	1	2684	LE SUEUR-HENDERSON SCHOOL	Y	N	10/1/2013	CN	USD	60.00
P40402	0716	31724	SBC	55662	CH	1	1787	MASSP	Y	N	10/1/2013	CN	USD	150.00
P40402	0716	31734	SBC	55663	CH	1	5777	MICHAEL KAUFMAN	Y	N	10/1/2013	CN	USD	83.00
P40402	0716	31731	SBC	55664	CH	1	4501	NICK WORM	Y	N	10/1/2013	CN	USD	83.00
P40402	0716	31736	SBC	55665	CH	1	6183	RACHEL MANGONE	Y	N	10/1/2013	CN	USD	60.00
P40402	0716	31725	SBC	55666	CH	1	2015	RANDY JOHNTSON	Y	N	10/1/2013	CN	USD	83.00
P40402	0716	31730	SBC	55667	CH	1	4055	ROTARY CLUB OF BELLE PLAINE	Y	N	10/1/2013	CN	USD	520.00
P40402	0716	31738	SBC	55668	CH	1	6185	SIBLELY EAST JR HIGH	Y	N	10/1/2013	CN	USD	50.00
P40402	0716	31729	SBC	55669	CH	1	3826	ST JAMES HIGH SCHOOL	Y	N	10/1/2013	CN	USD	25.00
P40402	0716	31732	SBC	55670	CH	1	5764	SW CHRISTIAN HIGH SCHOOL	Y	N	10/1/2013	CN	USD	200.00
P40402	0716	31726	SBC	55671	CH	1	2326	YOUTH FRONTIERS INC	Y	N	10/1/2013	CN	USD	750.00
P40402	0716	31726	SBC	55671	CH	1	2326	YOUTH FRONTIERS INC	Y	N	10/1/2013	CN	USD	750.00
P404P1	0716	31750	SBC	55672	CH	1	1123	BELLE PLAINE ED ASSOC	Y	N	10/4/2013	CN	USD	4,437.40
P404P1	0716	31751	SBC	55673	CH	1	1134	BELLE PLAINE SCHOOL	Y	N	10/4/2013	CN	USD	4,686.89
P404P1	0716	31752	SBC	55674	CH	1	1178	BPESPA	Y	N	10/4/2013	CN	USD	848.89
P404P1	0716	31755	SBC	55675	CH	1	6122	NATIONAL INSURANCE SERVICE	Y	N	10/4/2013	CN	USD	330.00
P404P1	0716	31755	SBC	55675	CH	1	6122	NATIONAL INSURANCE SERVICE	Y	N	10/4/2013	CN	USD	1,094.70
P404P1	0716	31755	SBC	55675	CH	1	6122	NATIONAL INSURANCE SERVICE	Y	N	10/4/2013	CN	USD	984.50
P404P1	0716	31755	SBC	55675	CH	1	6122	NATIONAL INSURANCE SERVICE	Y	N	10/4/2013	CN	USD	451.83
P404P1	0716	31753	SBC	55676	CH	1	1836	NCPERS MINNESOTA	Y	N	10/4/2013	CN	USD	16.00
P404P1	0716	31754	SBC	55677	CH	1	5145	RAUSCH, STURM, ISRAEL, ENERSON	Y	N	10/4/2013	CN	USD	69.21
P40402	0716	31769	SBC	55678	CH	1	6196	ANDREW ALLER	Y	N	10/9/2013	CN	USD	83.00
P40402	0716	31772	SBC	55679	CH	1	6199	BRIAN BURNS	Y	N	10/9/2013	CN	USD	83.00
P40402	0716	31770	SBC	55680	CH	1	6197	BRIAN GRANDSTRAND	Y	N	10/9/2013	CN	USD	83.00
P40402	0716	31756	SBC	55681	CH	1	1238	CENTRAL PUBLIC SCHOOLS	Y	N	10/9/2013	CN	USD	50.00
P40402	0716	31767	SBC	55682	CH	1	6194	DANIEL YOUNG	Y	N	10/9/2013	CN	USD	96.00

# Hand Pays

Batch	Co	Pmt No	Bank	Check No	Pay Type	Grp	Code	Vendor	Print	Recon	Pay Date	Void	Curr	Amount
P40402	0716	31767	SBC	55682	CH	1	6194	DANIEL YOUNG	Y	N	10/9/2013	C N	USD	96.00
P40402	0716	31765	SBC	55683	CH	1	6172	DIANNE JOHNS	Y	N	10/9/2013	C N	USD	96.00
P40402	0716	31757	SBC	55684	CH	1	1372	DICK MILINKOVICH	Y	N	10/9/2013	C N	USD	96.00
P40402	0716	31771	SBC	55685	CH	1	6198	JACK LEE	Y	N	10/9/2013	C N	USD	83.00
P40402	0716	31763	SBC	55686	CH	1	5396	KRISTIN VOSS	Y	N	10/9/2013	C N	USD	40.00
P40402	0716	31762	SBC	55687	CH	1	4172	LAKEVILLE NORTH	Y	N	10/9/2013	C N	USD	160.00
P40402	0716	31766	SBC	55688	CH	1	6193	LINDA EDMISON	Y	N	10/9/2013	C N	USD	96.00
P40402	0716	31766	SBC	55688	CH	1	6193	LINDA EDMISON	Y	N	10/9/2013	C N	USD	96.00
P40402	0716	31764	SBC	55689	CH	1	5397	MEGAN VOSS	Y	N	10/9/2013	C N	USD	40.00
P40402	0716	31761	SBC	55690	CH	1	2787	NATIONAL GEOGRAPHIC BEE	Y	N	10/9/2013	C N	USD	100.00
P40402	0716	31758	SBC	55691	CH	1	1992	PRAIRIE TRUCKING INC	Y	N	10/9/2013	C N	USD	36,141.67
P40402	0716	31760	SBC	55692	CH	1	2651	SECTION 2A	Y	N	10/9/2013	C N	USD	100.00
P40402	0716	31759	SBC	55693	CH	1	2164	STIER TRANSPORTATION SERVICES	Y	N	10/9/2013	C N	USD	81,907.16
P40402	0716	31768	SBC	55694	CH	1	6195	TERRY JORGENSON	Y	N	10/9/2013	C N	USD	83.00
P404P2	0716	31792	SBC	55695	CH	1	1123	BELLE PLAINE ED ASSOC	Y	N	10/18/2013	N	USD	4,484.94
P404P2	0716	31793	SBC	55696	CH	1	1134	BELLE PLAINE SCHOOL	Y	N	10/18/2013	N	USD	4,686.89
P404P2	0716	31794	SBC	55697	CH	1	1178	BPESPA	Y	N	10/18/2013	N	USD	2,005.05
P404P2	0716	31795	SBC	55698	CH	1	4924	MESSERLI & KRAMER	Y	N	10/18/2013	N	USD	50.92
P404P2	0716	31796	SBC	55699	CH	1	5145	RAUSCH, STURM, ISRAEL, ENERSON	Y	N	10/18/2013	N	USD	93.52
P404P2	0716	31797	SBC	55700	CH	1	5961	STEWART, ZLIMEN & JUNGERS, LTD	Y	N	10/18/2013	N	USD	185.31
P404P2	0716	31798	SBC	55701	CH	1	6122	NATIONAL INSURANCE SERVICE	Y	N	10/18/2013	N	USD	68.25
P40402	0716	31809	SBC	55702	CH	1	2329	BLUE CROSS BLUE SHIELD of MN	Y	N	10/17/2013	N	USD	285.00
P40402	0716	31806	SBC	55703	CH	1	1262	CITY OF BELLE PLAINE	Y	N	10/17/2013	N	USD	22.00
P40402	0716	31819	SBC	55704	CH	1	6207	DEBBIE WOLKE	Y	N	10/17/2013	N	USD	45.00
P40402	0716	31813	SBC	55705	CH	1	4346	DON ZEYEN	Y	N	10/17/2013	N	USD	83.00
P40402	0716	31810	SBC	55706	CH	1	2528	DWIGHT KRUEGER	Y	N	10/17/2013	N	USD	83.00
P40402	0716	31817	SBC	55707	CH	1	6205	JACK SMITH	Y	N	10/17/2013	N	USD	124.00
P40402	0716	31807	SBC	55708	CH	1	1660	JORDAN HIGH SCHOOL	Y	N	10/17/2013	N	USD	50.00
P40402	0716	31812	SBC	55709	CH	1	3501	KELLY TERNES	Y	N	10/17/2013	N	USD	83.00
P40402	0716	31815	SBC	55710	CH	1	5366	KEVIN MANN	Y	N	10/17/2013	N	USD	83.00
P40402	0716	31811	SBC	55711	CH	1	2925	MASA REGION 9	Y	N	10/17/2013	N	USD	25.00
P40402	0716	31808	SBC	55712	CH	1	1794	MBCA COACHES CLINIC	Y	N	10/17/2013	N	USD	100.00
P40402	0716	31818	SBC	55713	CH	1	6206	NORMA MUELLER	Y	N	10/17/2013	N	USD	124.00
P40402	0716	31816	SBC	55714	CH	1	6173	TERRY WYMAN	Y	N	10/17/2013	N	USD	49.00
P40402	0716	31814	SBC	55715	CH	1	5365	TONY DAHL	Y	N	10/17/2013	N	USD	83.00



## Electronic

Batch	Co	Pmt No	Bank	Check No	Pay Type	Grp	Code	Vendor	Print	Recon	Pay Date	Void	Curr	Amount
P403P2	0716	31659	SBC		WX	1	1873	MN.TEACHERS RETIRE.ASSOC	N	N	9/20/2013	N	USD	38,665.74
P403P2	0716	31660	SBC		WX	1	1977	PERA	N	N	9/20/2013	N	USD	6,781.12
P403P2	0716	31661	SBC		WX	1	2329	BLUE CROSS BLUE SHIELD of MN	N	N	9/20/2013	N	USD	106,799.76
P403P2	0716	31661	SBC		WX	1	2329	BLUE CROSS BLUE SHIELD of MN	N	N	9/20/2013	N	USD	26,765.74
P403P2	0716	31662	SBC		WX	1	2330	FEDERAL	N	N	9/20/2013	N	USD	23,998.62
P403P2	0716	31662	SBC		WX	1	2330	FEDERAL	N	N	9/20/2013	N	USD	8,955.48
P403P2	0716	31662	SBC		WX	1	2330	FEDERAL	N	N	9/20/2013	N	USD	38,292.88
P403P2	0716	31663	SBC		WX	1	2331	STATE OF MINNESOTA	N	N	9/20/2013	N	USD	11,081.47
P403P2	0716	31664	SBC		WX	1	2581	MN CHILD SUPPORT CENTER	N	N	9/20/2013	N	USD	545.00
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P403P2	0716	31666	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	9/20/2013	N	USD	450.00
P403P2	0716	31666	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	9/20/2013	N	USD	1,691.68
P403P2	0716	31666	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	9/20/2013	N	USD	100.00
P403P2	0716	31666	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	9/20/2013	N	USD	2,040.00
P403P2	0716	31666	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	9/20/2013	N	USD	6,106.86
P403P2	0716	31666	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	9/20/2013	N	USD	612.38
P403P2	0716	31666	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	9/20/2013	N	USD	901.52
P403p2	0716	31715	SBC		WX	1	2330	FEDERAL	N	N	9/24/2013	N	USD	72.84
P403p2	0716	31715	SBC		WX	1	2330	FEDERAL	N	N	9/24/2013	N	USD	311.42
P403p2	0716	31715	SBC		WX	1	2330	FEDERAL	N	N	9/24/2013	N	USD	-72.84
P403p2	0716	31715	SBC		WX	1	2330	FEDERAL	N	N	9/24/2013	N	USD	-311.42
P40402	0716	31739	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	9/23/2013	N	USD	42.04
P40402	0716	31739	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	9/23/2013	N	USD	103.48
P40402	0716	31739	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	9/23/2013	N	USD	235.68
P40402	0716	31739	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	9/23/2013	N	USD	250.61
P40402	0716	31739	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	9/23/2013	N	USD	282.81
P40402	0716	31739	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	9/23/2013	N	USD	283.98
P40402	0716	31740	SBC		WX	1	2800	MII LIFE - SELECT ACCOUNT	N	N	9/24/2013	N	USD	247.05
P40402	0716	31741	SBC		WX	1	1486	FRONTIER	N	N	9/25/2013	N	USD	101.21
P40402	0716	31741	SBC		WX	1	1486	FRONTIER	N	N	9/25/2013	N	USD	94.76
P40402	0716	31741	SBC		WX	1	1486	FRONTIER	N	N	9/25/2013	N	USD	184.40
P40402	0716	31741	SBC		WX	1	1486	FRONTIER	N	N	9/25/2013	N	USD	1,776.57
P404P1	0716	31742	SBC		WX	1	1555	HEALTH PARTNERS	N	N	10/4/2013	N	USD	-74.52
P404P1	0716	31742	SBC		WX	1	1555	HEALTH PARTNERS	N	N	10/4/2013	N	USD	11,743.05
P404P1	0716	31743	SBC		WX	1	1873	MN.TEACHERS RETIRE.ASSOC	N	N	10/4/2013	N	USD	36,193.18

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P404P1	0716	31745	SBC		WX	1	2330	FEDERAL	N	N	10/4/2013	N	USD	8,747.68
P404P1	0716	31745	SBC		WX	1	2330	FEDERAL	N	N	10/4/2013	N	USD	37,404.00
P404P1	0716	31746	SBC		WX	1	2331	STATE OF MINNESOTA	N	N	10/4/2013	N	USD	10,404.57
P404P1	0716	31747	SBC		WX	1	2581	MN CHILD SUPPORT CENTER	N	N	10/4/2013	N	USD	654.00
P404P1	0716	31748	SBC		WX	1	2735	MII LIFE - VEBA/HSA	N	N	10/4/2013	N	USD	108,411.50
P404P1	0716	31749	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/4/2013	N	USD	1,114.98
P404P1	0716	31749	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/4/2013	N	USD	450.00
P404P1	0716	31749	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/4/2013	N	USD	1,800.78
P404P1	0716	31749	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/4/2013	N	USD	100.00
P404P1	0716	31749	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/4/2013	N	USD	1,940.00
P404P1	0716	31749	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/4/2013	N	USD	4,869.36
P404P1	0716	31749	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/4/2013	N	USD	612.38
P404P1	0716	31749	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/4/2013	N	USD	901.52
P40402	0716	31780	SBC		WX	1	2336	XCEL ENERGY	N	N	10/4/2013	N	USD	10,436.12
P40402	0716	31780	SBC		WX	1	2336	XCEL ENERGY	N	N	10/4/2013	N	USD	9,074.44
P40402	0716	31781	SBC		WX	1	3414	CENTERPOINT ENERGY	N	N	10/4/2013	N	USD	60.00
P40402	0716	31782	SBC		WX	1	2336	XCEL ENERGY	N	N	10/7/2013	N	USD	9,712.24
P40402	0716	31782	SBC		WX	1	2336	XCEL ENERGY	N	N	10/7/2013	N	USD	1,045.15
P40402	0716	31783	SBC		WX	1	3414	CENTERPOINT ENERGY	N	N	10/7/2013	N	USD	136.43
P40402	0716	31783	SBC		WX	1	3414	CENTERPOINT ENERGY	N	N	10/7/2013	N	USD	64.80
P40402	0716	31783	SBC		WX	1	3414	CENTERPOINT ENERGY	N	N	10/7/2013	N	USD	50.58
P404P2	0716	31784	SBC		WX	1	1873	MN.TEACHERS RETIRE.ASSOC	N	N	10/18/2013	N	USD	36,547.94
P404P2	0716	31785	SBC		WX	1	1977	PERA	N	N	10/18/2013	N	USD	11,480.04
P404P2	0716	31786	SBC		WX	1	2329	BLUE CROSS BLUE SHIELD of MN	N	N	10/18/2013	N	USD	103,605.34
P404P2	0716	31786	SBC		WX	1	2329	BLUE CROSS BLUE SHIELD of MN	N	N	10/18/2013	N	USD	38,262.16
P404P2	0716	31787	SBC		WX	1	2330	FEDERAL	N	N	10/18/2013	N	USD	23,413.95
P404P2	0716	31787	SBC		WX	1	2330	FEDERAL	N	N	10/18/2013	N	USD	9,242.26
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P404P2	0716	31788	SBC		WX	1	2331	STATE OF MINNESOTA	N	N	10/18/2013	N	USD	11,033.83
P404P2	0716	31789	SBC		WX	1	2581	MN CHILD SUPPORT CENTER	N	N	10/18/2013	N	USD	654.00
P404P2	0716	31790	SBC		WX	1	2735	MII LIFE - VEBA/HSA	N	N	10/18/2013	N	USD	2,189.21
P404P2	0716	31791	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/18/2013	N	USD	1,114.98
P404P2	0716	31791	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/18/2013	N	USD	650.00
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## Electronic

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P404P2	0716	31791	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/18/2013	N	USD	4,799.36
P404P2	0716	31791	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/18/2013	N	USD	612.38
P404P2	0716	31791	SBC		WX	1	5579	EDUCATORS BENEFIT CONSULTANTS	N	N	10/18/2013	N	USD	901.52
P40402	0716	31820	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	10/21/2013	N	USD	37.16
P40402	0716	31820	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	10/21/2013	N	USD	118.12
P40402	0716	31820	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	10/21/2013	N	USD	172.48
P40402	0716	31820	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	10/21/2013	N	USD	282.81
P40402	0716	31820	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	10/21/2013	N	USD	579.60
P40402	0716	31820	SBC		WX	1	1262	CITY OF BELLE PLAINE	N	N	10/21/2013	N	USD	868.30
P40402	0716	31821	SBC		WX	1	2336	XCEL ENERGY	N	N	10/21/2013	N	USD	983.65
PCARD														
Payroll 9/20/2013														
Payroll 10/04/2013														
Payroll 10/18/2013														
<b>Total</b>													<b>\$ 1,617,856.62</b>	

## WINTER 2013 COACHES

### Boys Basketball

John Wellner	Head
Brent Jaeger	V
John Garvey	B
Kevin Soller	9
Ross Nelson	8
Erik Waller	7
Paul Fogarty	Vol - Practices

### Dance Team

Kathi Stauffacher	Head
Haley Smith	JV
Jill Provanca	JH
Abby Lundborg	Adj. JH/JV
Jenna Haller	Adj. JH/JV

### Girls Basketball

Randy Carlson	Head
Katie Graff	B
Lyle Noah	9
Brittany Brenke	8
Jan Bremseth	7

### Wrestling

Jerold Stauffacher	Head
Matt Hennen	1 <sup>st</sup> Ast
John Ristvedt	JH

**Chuck Keller**  
Business Manager  
**Carol Lagergren**  
Director of Curriculum & Assessment  
**Ken Wick**  
IT Director



**Chad Williams**  
Special Services Director  
**Jeff Heine**  
Buildings & Grounds Director  
**Nelson Ladd**  
Community Services Director

DATE OF BOARD MEETING: October 28, 2013  
SUBJECT: Gifts and Donations  
RECOMMENDATION: Approve

Therefore, the Director of Finance and Operations recommends the following resolution:

WHEREAS, School Board Policy #706 establishes guidelines for the acceptance of gifts/donations to the District; and

WHEREAS, Minnesota Statue 465.03 states the School Board may accept a gift, grant, or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members; and

BE IT RESOLVED that the School Board of Independent School District No. 716 accept with appreciation the following gifts/donation and permit their use as designated by the donor(s).

**DETAIL OF GIFTS/DONATIONS:**

Date	Donor	Item and Nature of Donation/Gift	Value or Amount
9/19/13	Belle Plaine PTO	To benefit Chatfield – Rtl, Title I and 1 <sup>st</sup> Grade Intervention	\$3,200.00
9/30/13	Target	Oak Crest Elementary – Take Charge of Education (REDcard Purchases)	\$913.27
8/9/13	Emerson Process Mgmt – Rosemount Inc.	Belle Plaine Public Schools Robotic Program	\$3,000.00
10/11/13	BPFE – BBQ Days Beer Garden	Oak Crest Grade 6 – ELC Scholarship	\$340.00
10/10/13	Behnke Auto Center	Oak Crest Grade 6 – ELC Scholarship	\$340.00
10/3/13	Scott County Pork Producers	Oak Crest Grade 6 – ELC Scholarship	\$340.00
10/10/13	PFM Asset Mgmt – on behalf of MASA, MSBA and MASBO	Rebate check based on our P-card charges from 9/1/12-8/31/13 of \$800,677.44	\$4,003.38

**Appreciation:**

- Thank you to the Belle Plaine Fire Department for visiting Chatfield to present Fire Safety procedures.
- Continued thank you to the intervention team. They are continually training staff and themselves on specific interventions to target specific student's needs.
- Thank you to the high school royalty for visiting us during our All School Morning Meeting and helping us celebrate homecoming in a meaningful manner.
- Thank you to the CLIMB theatre for visiting Chatfield and helping the students learn about recycling.
- Thank you to the members of the iTEAM and your continued support of staff and students.
- Thank you to the Kindergarten Team for taking part in the MDE research regarding kindergarten readiness!

**Acceleration:**

- Professional Learning Communities: **ECH**-planning for 14-15 school year. Fine Tuning math assessments and how to use that data to guide instruction. **KDG**-Working on common formative assessments and using that data to drive their future instruction. **First Grade**-Continuing to plan for Math Interventions and working through the new reading curriculum. **Second Grade**-Looking at data to consider students for LEAP. Revisiting ELA power benchmarks and continuing to create and use math assessments to guide instruction. **Interventionist**-Continuing to meet with the grade levels to review progress monitoring and discussing data.
  - The Chatfield School academic success goal for the 13-14 school year is, "95 percent of the students who are proficient at the beginning of the school year will remain proficient at the end of the school year according to NWEA for grades 1-2 and AIMS for Kindergarten". We will track this for both reading and math. This goal specifically targets CORE instruction for reading and math. Quality CORE instruction requires the use of standards based education, data based decision-making, and consistency throughout the grade level. These are also things that we will be learning with C.C. on November 4 during the staff in-service.
- Kindergarten**-Math-86 students are currently proficient. Reading-87 students are currently proficient. **First Grade**-Math-Currently there are 94 students who are proficient. Reading-76 students are currently proficient. **Second Grade**-Math-Currently there are 57 students that are proficient. Reading-52 students are currently proficient.

**Anticipation:**

- November 4 staff in-service with C.C. Lindstrom
- November 4 CPR training
- Formal observations and walkthroughs are continuing. The staff are also taking part in learning from each other via a walk through.
- Schoolstore.com is also up and running. Families are encouraged to shop online through this site to raise money for our school.
- The PTO fundraiser is complete. The limo rides are scheduled for November 26. Thank you to all the families that helped raise money for our schools.
- The early childhood team is taking part in a day long training with a representative from the Minnesota Department of Education to start discussion about programming for the 14-15 school year.

**Belle Plaine High School  
School Board Report  
Submitted by Dave Kreft  
October, 2013**

**Appreciation:**

- In the last board report, I had discussed the upcoming Homecoming festivities. The modifications that took place this year included more inclusive activity days (photo scavenger hunt by grade and a cheer off by grade). We altered the pep fest to include Oak Crest in the activities and welcomed more community members than in past years. Unfortunately, the weather did not cooperate to have the pep fest at the stadium, but we are hopeful we can do it next year. The cookout to follow the pep fest will be examined to include more students and community members, with respect to the tradition of the Lions Pizza Feed. We had over half of our 9-12 student body in attendance at the dance that followed the game. The DJs comment on the superior attendance we get at our dance compared to surrounding schools. Jill Morreim, senior class advisor, is to be commended for her work in leading the week. Stier Transportation (Jim Koonst in particular) was so accommodating to the needs we had to move a large number of students in a short period of time.
- Youth Frontiers is an organization that has been hosting one-day retreats for our students for more than 10 years. The high-energy day is filled with activities where students are up and moving around. Each activity is followed by some discussion time on how this impacts their adolescent years. Our 7th graders, led by Kelly Vourlos are exposed to the "Courage" retreat. The 9th graders, led by Amie Hohenstein, engage in the "Respect" retreat.

**Acceleration:**

- iTime continues to evolve. We are still working through some technical issues with compiling the list of students required to be in iTime. At our grade level meetings we continue to analyze ways of improving it. One area we have examined is the students with multiple classes of concern. They need another, more guided, level of intervention. We will be collecting data on the program's effectiveness at the end of the quarter.
- An added benefit of the iTime schedule is that we are able to use it when we have activities planned at the end of the day. For example, during homecoming week we ran the schedule on our normal iTime day (Wednesday) and also on our activity days. We had students in each of their classes each day of the week (besides the half day on Friday).
- Bruce Mathiowetz and I will be attending a meeting with Scott Equipment in New Prague on the potential of offering college scholarships to talented welding students at Belle Plaine in exchange for a certain number of years of employment at Scott Equipment. We are excited to explore this technical opportunity for our talented hands-on learners.

**Anticipation:**

- First quarter ends on November 1st. Teachers will engaged in follow up training to our power standards work on our workshop day (November 4). Report cards will be mailed by November 8.
- Department PLC groups are finalizing their SMART goals for the year. We have committed to meet as a PLC leadership cohort more frequently to share successes, questions, and obstacles as we address student needs. Goals will follow in a future correspondence.

**Dave Kreft**  
*Jr High/Sr High Principal*  
**Liann Hanson Ph.D.**  
*Oak Crest Elementary Principal*  
**Kim DeWitte**  
*Chatfield Elementary Principal*  
**Chuck Keller**  
*Business Manager*  
**Ken Wick**  
*IT Director*



**Kelly D. Smith, Ed.D., Superintendent**

**Chad Williams**  
*Special Services Director*  
**Jeff Heine**  
*Buildings & Grounds Director*  
**Nelson Ladd**  
*Community Services Director*  
**Mindy Sparby**  
*Activities Director/Dean of Students*  
**Carol Lagergren**  
*Director of Curriculum & Assessment*

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School Board Report – October  
Mindy Sparby  
Activities Director / JH Dean

### Appreciation

- Great job by Mrs. Vourlos and Mrs. Hohenstein lining up Youth Frontiers to come and interact with our 7<sup>th</sup> and 9<sup>th</sup> grade students this week. This is part of our Bullying prevention plan. Youth Frontiers helps train students to speak up if they or someone else is being bullied. Mrs. Vourlos also spoke in classrooms last week about “empathy”.
- Thank you to our Tiger Target Team leaders for their assistance leading groups at Youth Frontiers! It’s a great way for our younger kids to connect with positive role models in our school!
- Thank you to Mr. Hennen and the Junior High Student Council for their hard work organizing Activity night for our students! It is a Halloween party on Friday, October 25<sup>th</sup> in the HS common’s and South gym.

### Acceleration

- Playoff’s are upon us!
  - XC Sections are October 24<sup>th</sup> at Montgomery National Golf Course
  - VB hosts LSH October 24<sup>th</sup>
  - FB hosts BEA October 26<sup>th</sup> at 2pm
- The Fall Play continues to work hard for their upcoming performance of “A Christmas Carol”. Performance dates are November 14-17.
- Teachers are working hard to perfect what I-Time looks like in the Junior High. It is a great process and teachers are seeing results from our students.

### Anticipation

- The first Choir Concert of the Year is October 28<sup>th</sup> at 7pm!
- Winter Activities Eligibility Night is November 5<sup>th</sup> at 6:30pm in the South Gym at the High School
- End of the first quarter is November 1<sup>st</sup>. It has been a great start to the school year!

**Board Report**  
**October 28<sup>th</sup>, 2013**  
**Oak Crest Elementary**  
**Liann Hanson**

**Appreciation:**

- **ZAP Program** We will start our ZAP (Zeros aren't Permitted) program on September 30<sup>th</sup>. The goal is to ensure students are finishing and turning in all assignments. Thanks to Abbie Witt for spearheading this effort and leading students!
- **Professional Learning Communities** We have started our weekly PLC team meetings. They have been going great! Teams are working on setting norms, collective commitments, and SMART goals! Thanks to the teachers for all their hardwork in PLCs!
- **School of Excellence** We have been named a School of Excellence through MESPA. We are meeting with MESPA leadership on October 25<sup>th</sup> to come up with ideas of how to celebrate as a school community. Thanks to Lisa Treml, Kami Miller, Sara Bungarden, and Jill Provancha for leading this team!
- **Pepfest** Thanks to the high school students and staff for a great pepfest! OC's student and staff loved it and had a good time!

**Acceleration:**

- **Backpack Program** The Belle Plaine Food Shelf is teaming up with the staff and teachers of Oak Crest Elementary to offer a supply of nutritious meals and snacks for children over their weekends and extended breaks, free of charge. We are starting with the next major break of Thanksgiving. Then, we will move to Christmas.
- **The Lutheran Home Association and Thrivent Reception** Support the Belle Plaine Area Food Shelf and The Backpack program! Enjoy complimentary refreshments, register for prizes, and make a donation! Thrivent Financial and The Lutheran Home Association will match funds raised during the reception and all funds will be donated to the Backpack Program! Date: Thursday, November 14<sup>th</sup>, open house 4:00-7:00 PM. Place: Kingsway Retirement Living, 815 West Main Street
- **Halloween Food Drive** The Junior High students on the Tiger Target Team are also doing their annual trick 'o treating this year and the donations will go towards the food shelf and the Backpack Program!

**Anticipation:**

- **Halloween** As previously noted, we will not be having a Halloween parade on Thursday, October 31<sup>st</sup>. 3<sup>rd</sup> and 4<sup>th</sup> grade students and classes will be rotating from class to class in each respective grade level playing games and doing activities/crafts. Each student will be visiting each class in their grade level. 5<sup>th</sup> and 6<sup>th</sup> grade will be having Halloween parties in their classrooms!
- **BOP-2-OC** Bringing Out Parents to Oak Crest is back!!!! We welcome our Oak Crest parents in to volunteer in the classrooms and outside of the school. This will take place on Friday, November 1<sup>st</sup> in the afternoon. Notes went home with students for parents to 'sign-up', but we will take whoever shows up!
- **All School Meeting** We also have our All School Meeting on Friday, November 1<sup>st</sup> at 2:20 PM. We will be having sharing from our 6<sup>th</sup> graders on Wolf Ridge, 3<sup>rd</sup> grade will be doing the greeting, there will be news and announcements about the Terrific Tiger program, and I believe there will be some awards for adults who have served Wolf Ridge for a number of years!
- **PTO Fundraiser Pickup** Our fundraiser pick up is on Thursday, November 7<sup>th</sup>!
- **What Great Principals Do Differently** Attending a training with Todd Whitaker on Thursday, November 7<sup>th</sup>!
- **Veteran's Day Program** Our annual Veteran's Day Program will be held on Monday, November 11<sup>th</sup> at 9:15 AM at Oak Crest

**Belle Plaine/Jordan Public Schools  
Adaptive Sports Costs**

**Student Cost (based on Middle School/Jr High Activity Fee):**

- Jordan Public Schools = \$95 athletic fee to the District
- Belle Plaine Public Schools = \$75 athletic fee to the District

**Tentative Costs to participating districts for 2013-2014 year:**

- Adaptive Hockey - \$375 per athlete (paid by the school district)
- Adaptive Softball - \$370 per athlete (paid by the school district)

*\*\*Costs may subject to change if more students participate on the adaptive sports team. The costs listed were estimated from last year's program.*

**Transportation Costs:**

*\*\* Transportation costs may change if students need curb-to-curb transportation home.*

*\*\* Belle Plaine District costs will be the same if we transport just Belle Plaine students to and from New Prague.*

*\*\* Costs may be reduced if Jordan and Belle Plaine split the costs of transportation. Our recommendation is to use both transportation companies (Stier Transportation and Benjamin Bus) and rotate transportation by seasons. (ex. Stier will transport during Adaptive Hockey and Benjamin will transport during softball season).*

***Estimated Costs (for both seasons):***

- \* Total Cost for both seasons estimated at \$5,908 - \$6,856.
- \* Shared (split equally with Jordan) transportation costs est. at \$2,954 - \$3,428.



# FORM A

## RESOLUTION OF SCHOOL BOARD SUPPORTING FORM A APPLICATION TO MINNESOTA STATE HIGH SCHOOL LEAGUE FOUNDATION

WHEREAS, the Minnesota State High School League Foundation was formed to provide support for Minnesota's high school youth to participate in athletics and fine arts;

WHEREAS, the District \_\_\_\_\_ School Board recognizes the value of students participation in extracurricular activities; and

WHEREAS, the MSHSL Foundation is offering grants and funding to assist school district in recognizing, promoting and funding extracurricular participation by high school students in athletic and fine arts programs.

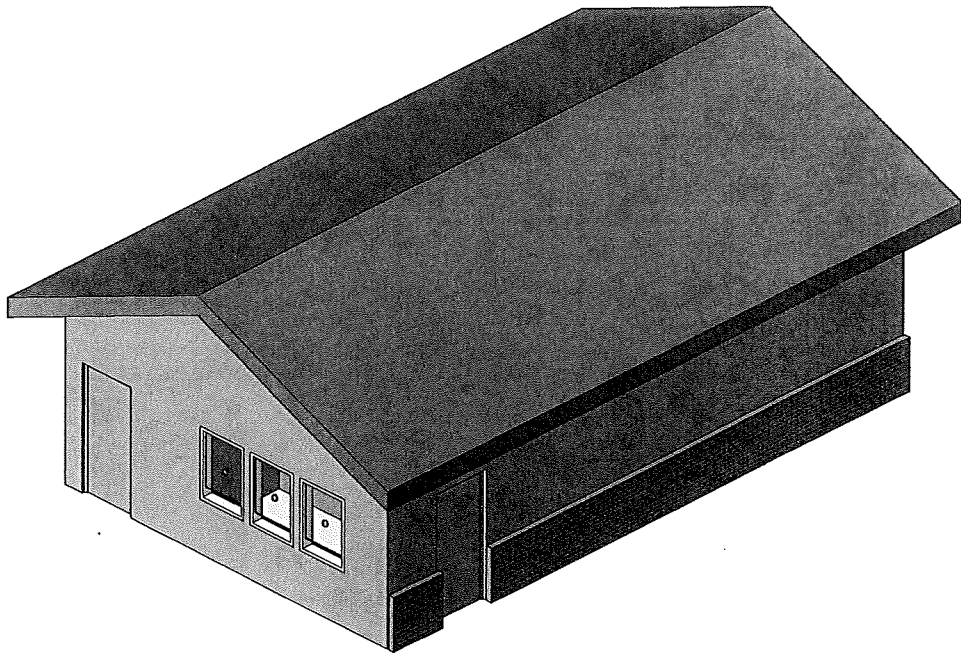
THEREFORE, BE IT RESOLVED, that the \_\_\_\_\_ School Board supports the District's application to the Minnesota State High School League Foundation for a FORM A grant to offset student activity fees.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Board Clerk - Treasurer



① {3D}

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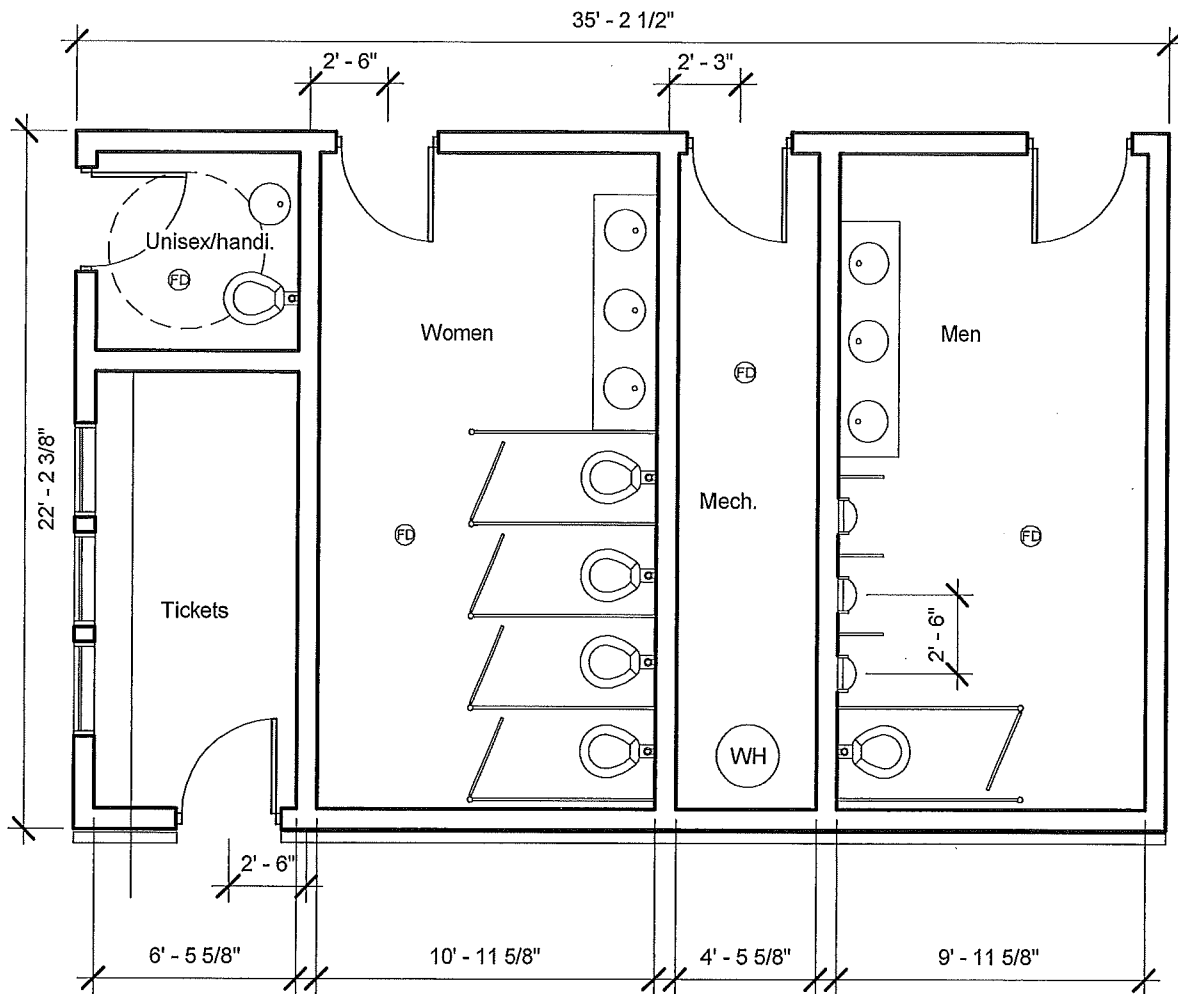
[www.autodesk.com/revit](http://www.autodesk.com/revit)

Belle Plaine  
High School  
Restroom

CONCEPT DRAWING

~~ONLY - NOT FOR~~  
~~CONSTRUCTION USE~~

Project number	Project Number	Issue date	Issue date
Date	Author	Author	Author
Drawn by	Checker	Scale	Scale



① Level 1  
 3/16" = 1'-0"

Autodesk® Revit®

www.autodesk.com/revit

Belle Plaine  
 High School  
 Restroom

CONCEPT DRAWING -  
 NOT FOR  
 CONSTRUCTION USE

Project number	Project Number
Date	ISSUE DATE
Drawn by	Author
Checked by	Checker
Scale 3/16" = 1'-0"	

**INSTRUCTIONS:** Pursuant to Minnesota Statutes, section 127A.42, subdivision 3, each school board shall annually submit to the Commissioner of Education, a statement of compliance with state and federal laws prohibiting discrimination and provide the designated supporting information to assure that statement. Complete this form as directed and return it to the above address by November 15. Retain a copy for your files.

**IDENTIFICATION INFORMATION**

School District Name		District Number	
Name of District Contact	Title	Telephone No.	FAX No.

**STATEMENT OF ASSURANCE**

The undersigned hereby affirm that the above named school district is in compliance with the following state and federal laws prohibiting discrimination:

1. The Minnesota Human Rights Act (Minn. Stat. § 363.03), which prohibits discrimination in education programs and activities on grounds of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, sexual orientation, disability or age.
2. Title VI of the Civil Rights Act of 1964 (42 USC 2000d, et. seq.; 34 C.F.R. Part 100), which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the district receives federal financial assistance.
3. Title VII of the Civil Rights Act of 1964 (42 USC 2000e, et. seq.; P.L. 88-352), as amended by the Equal Employment Opportunity Act of 1972 (P.L. 92-261), which prohibits discrimination in employment because of an individual's race, color, religion, sex, or national origin.
4. Title IX of the Education Amendments of 1972 (20 USC § 1681; 34 C.F.R. Part 106), which prohibits discrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.
5. The Age Discrimination in Employment Act of 1967 (29 USC § 621; 42 USC § 6101; 29 C.F.R. Part 860), which prohibits discrimination on the basis of age (over 40 years).
6. Minnesota Statutes, section 121A.04, which prohibits sex discrimination in athletic programs.
7. Minnesota Statutes, section 121A.03, which requires school districts to have a policy prohibiting sexual/racial/religion harassment and violence which applies to students, teachers, administrators and other school personnel.
8. Minnesota Rules, Chapter 3535, relating to equality of educational opportunity and school desegregation, and prohibition of discriminatory practices.
9. Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. part 104) prohibiting discrimination on the basis of disability.

10. The American with Disabilities Act (42 USC § 12101, et seq.), also prohibiting discrimination on the basis of disability.
11. Minnesota Rules, part 3500.0550, relating to the Inclusive Educational Program Plan.
12. Equal Education Opportunities and Transportation of Students (20 USC § 1703).
13. Title VII of the Civil Rights Act of 1964 Pregnancy Discrimination Act (within Title VII) (42 USC § 2000 e(k)).
14. The Fair Housing Act (42 USC § 3601 et seq.; 24 C.F.R. part 100).
15. The Age Discrimination Act (42 USC § 6101 and 6102; 45 C.F.R. part 100).
16. Prohibition of Discrimination Based on Blindness (20 USC § 1684).
17. Office for Civil Rights Memo – September 27, 1991: Policy Update on Schools' Obligations Toward National Origin Minority Students With Limited-English Proficiency

This assurance is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other federal and state financial assistance extended after the date hereof to the district by the U.S. Department of Education and the Minnesota Department of Education (MDE), including installment payments after such date of application for federal financial assistance and state aid allotments which were approved before such date. The district recognizes and agrees that such federal and state financial assistance will be extended in reliance on the representations, supporting information required by Minnesota Statutes, section 127A.42, subdivision 3, and agreements made in this assurance. This assurance is binding on the district and the persons whose signatures appear below and who are authorized to sign on behalf of the district.

Furthermore, the undersigned hereby affirm that there is a copy of each of these laws in each building in the district and that the information given on pages two and three of this form is accurate and complete.

\_\_\_\_\_  
Signature - School District Superintendent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature - President or Chairperson of School Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature - Clerk of School Board

\_\_\_\_\_  
Date

## **515 PROTECTION AND PRIVACY OF PUPIL RECORDS**

### **I. PURPOSE**

The school district recognizes its responsibility in regard to the collection, maintenance and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

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

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. §1232g, *et seq.*, (Family Educational Rights and Privacy Act) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.

### **III. DEFINITIONS**

#### **A. Biometric Record**

“Biometric record,” as referred to in “Personally Identifiable,” means a record of one or more measurable biological or behavioral characteristics that can be used for authorized recognition of an individual (e.g., fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics, and handwriting).

#### **B. Dates of Attendance**

“Dates of attendance,” as referred to in “Directory Information,” means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student’s attendance at a school or schools in the school district.

#### **C. Directory Information**

“Directory information” means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student’s name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e. full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also

includes the name, address and telephone number of the student's parent(s). Directory information does not include personally identifiable data which references religion, race, color, social position or nationality. Data collected from nonpublic school students, other than those who receive shared time educational services, shall not be designated as directory information unless written consent is given by the student's parent or guardian.

D. Education Records

1. What constitutes "education records". Education records means those records which: (1) are directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.
2. What does not constitute an education record. The term "education records" does not include:
  - a. Records of instructional personnel which:
    - (1) are in the sole possession of the maker of the record; and
    - (2) are not accessible or revealed to any other individual except a substitute teacher; and
    - (3) are destroyed at the end of the school year.
  - b. Records of a law enforcement unit of the school district, provided educational records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
    - (1) maintained separately from education records;
    - (2) maintained solely for law enforcement purposes; and
    - (3) disclosed only to law enforcement officials of the same jurisdiction.
  - c. Records relating to an individual, including a student, who is employed by the school district which:
    - (1) are made and maintained in the normal course of business;
    - (2) relate exclusively to the individual in that individual's capacity as an employee; and
    - (3) are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
  - (1) made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
  - (2) made, maintained, or used only in connection with the provision of treatment to the student; and
  - (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.
- e. Records that only contain information about an individual after he or she is no longer a student at the school district.

E. Eligible Student

"Eligible student" means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

F. Juvenile Justice System

"Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

G. Legitimate Educational Interest

"Legitimate educational interest" includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person's need to know in order to:

- 1. Perform an administrative task required in the school or employee's contract or position description approved by the school board;
- 2. Perform a supervisory or instructional task directly related to the student's education; or
- 3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement or student financial aid.

4. Perform a task directly related to responding to a request for data.

H. Parent

“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

I. Personally Identifiable

“Personally identifiable” means that the data or information includes, but is not limited to: (a) a student’s name; (b) the name of the student’s parent or other family member; (c) the address of the student or student’s family; (d) a personal identifier such as the student’s social security number or student number or biometric record; (e) other direct identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

J. Record

“Record” means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

K. Responsible Authority

“Responsible authority” means *[designate title and actual name of individual]*

L. Student

“Student” includes any individual who is or has been in attendance, enrolled or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district, and individuals who receive shared time educational services from the school district.

M. School Official

“School official” includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory,

instructional or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, as public information officer or data practices compliance official, an attorney or an auditor for the period of his or her performance as an employee or contractor.

N. Summary Data

“Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

O. Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

#### **IV. GENERAL CLASSIFICATION**

State law provides that all data collected, created, received or maintained by a school district are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

#### **V. STATEMENT OF RIGHTS**

A. Rights of Parents and Eligible Students

Parents and eligible students have the following rights under this policy:

1. The right to inspect and review the student’s education records;
2. The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student’s privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of secondary students’ names, addresses, and home telephone numbers to military recruiting officers;

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI of this policy.

B. Eligible Students

All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an “eligible student.” However, the parents of an eligible student who is also a “dependent student” are entitled to gain access to the educational records of such student without first obtaining the consent of the student. In addition, parents or an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in C.F.R. § 99.31(a).

**VI. DISCLOSURE OF EDUCATION RECORDS**

A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and

- b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
  - a. identifies and authenticates a particular person as the source of the electronic consent; and
  - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
  - a. in plain language;
  - b. dated;
  - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
  - d. specific as to the nature of the information the subject is authorizing to be disclosed;
  - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
  - f. specific as to the purpose or purposes for which the information may be used by any of the parties named in clause e above, both at the time of the disclosure and at any time in the future; and
  - g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.
6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Section V of this policy.

B. Prior Consent for Disclosure Not Required

The school district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the school district would otherwise use employees;
  - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7165 of the federal No Child Left Behind Act *[INSERT THE FOLLOWING IF THE SCHOOL DISTRICT HAS A POLICY REGARDING STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS:]* and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to

challenge the content of those records in accordance with the Section XV. of this policy;

4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

“Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual’s attendance at an educational agency or institution;

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule, attendance record, and photographs, if any; and parents’ names, home addresses, and telephone numbers;
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or

administering predictive tests, administering student aid programs or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy or return to the school district all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed. For purposes of this provision, the term “organizations” includes, but is not limited to, federal, state and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as

plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;

11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the 515-12 information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section VII. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students; or

18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student's educational record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student's file;

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individual need the

information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;

20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's educational record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's educational record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action; or

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational

and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School lunch Act of the Child nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.

C. Nonpublic School Students

The school district may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

**VII. RELEASE OF DIRECTORY INFORMATION**

A. Classification

Directory information is public except as provided herein.

B. Former Students

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, the school district may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an “education record,” the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual’s attendance as a student (e.g., a student’s activities as an alumnus of the school district).

C. Present Students and Parents

The school district may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure the school district shall:

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
  - b. the parent's or eligible student's right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district, in writing, that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section VI. of this policy.
3. A parent or eligible student may not opt out of the directory information disclosures to prevent the school district from disclosing or requiring the student to disclose the student's name, identifier, or school district e-mail address in a class in which the student is enrolled.
4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:

1. Name of the student and/or parent, as appropriate;
2. Home address;
3. School presently attended by student;

4. Parent's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration

The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided herein.

## VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in Section VI. of this policy, without the prior written consent of the parent or the eligible student. The school district will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

B. Private Records Not Accessible to Parent

In certain cases state law intends, and clearly provides, that certain information contained in the education records of the school district pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
  - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;

- b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
- c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
- d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- e. whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

Students shall not be entitled to access to private data concerning financial records and statements of the student's parent or any information contained therein.

## **IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

A. Confidential Records

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

C. Investigative Data

Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn, Stat. § 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

D. Chemical Abuse Records

To the extent the school district maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

**X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR  
EXPULSION HEARING**

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student's parent or guardian or representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the action proposed by the school district may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, *et seq.*

## **XI. DISCLOSURE OF DATA TO MILITARY RECRUITMENT OFFICERS**

- A. The School District will release the names, addresses, and home telephone numbers of secondary students to military recruiting officers within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data to military recruiters pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and
  2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.
- C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority, the Superintendent, in writing by November 1 each year. The written request must include the following information:
1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.

- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisclosure**

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

### **B. Redisclosure Not Prohibited**

- 1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:
  - a. The disclosures meet the requirements of Section VI. of this policy; and
  - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
- 2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the

school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school district.

D. Notification

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

**XIII. RESPONSIBLE AUTHORITY, RECORD SECURITY; AND RECORD KEEPING**

A. Responsible Authority

The responsible authority shall be responsible for the maintenance and security of student records.

B. Record Security

The principal of each school subject to the supervision and control of the responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

The building principal shall submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan shall contain the following information:

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;

4. Means of securing student records; and
5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to

review the record of requests for disclosure.

3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.
4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of the school district.
5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom the school district disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

#### **XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student

The school district shall permit the parent of a student, an eligible student or the parent of an eligible student who is also a dependent student who is or has been in attendance in the school district to inspect or review the education records of the

student, except those records which are made confidential by state or federal law or as otherwise provided in Section VIII. of this policy.

B. Response to Request for Access

The school district shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section includes:

1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the educational records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

The school district may presume that either parent of the student has authority to inspect or review the education records of a student unless the school district has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation or custody which provides to the contrary.

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
  - a. the cost of materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;
  - c. any schedule of standard copying charges established by the school district in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
  - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

**XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading or

violates the privacy or other rights of the student may request that the school district amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.
2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

**B. Right to a Hearing**

If the school district refuses to amend the education records of a student, the school district, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

1. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
2. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school district, or both.
3. Any statement placed in the education records of the student under Subdivision B. of this section shall:
  - a. be maintained by the school district as part of the education records of the student so long as the record or contested portion thereof is maintained by the school district; and

- b. if the education records of the student or the contested portion thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the school district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The school district shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the Minn. Stat. Ch. 14 relating to contested cases.

## **XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means *[designate title and actual name of individual]*.
- C. Any request by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

## **XVII. COMPLAINTS FOR NONCOMPLIANCE**

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

## **XVIII. WAIVER**

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The school district may not require such a waiver.

## **XIX. ANNUAL NOTIFICATION OF RIGHTS**

A. Contents of Notice

The school district shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing

education records to other school officials whom the school district has determined to have legitimate educational interests; and

6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll including suspension and expulsion records pursuant to the federal No Child Left Behind Act and, if applicable, a student's history of violent behavior.

B. Notification to Parents of Students Having a Primary Home Language Other Than English

The school district shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

C. Notification to Parents or Eligible Students Who are Disabled

The school district shall provide for the need to effectively notify parents or eligible students identified as disabled.

## **XX. DESTRUCTION AND RETENTION OF RECORDS**

Destruction and retention of records by the school district shall be controlled by state and federal law.

## **XXI. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the office of the Superintendent.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 14 (Administrative Procedures Act)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)  
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)  
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)  
Minn. Stat. § 363A.42 (Public Records; Accessibility)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practicers)  
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)  
18 U.S.C. § 2331 (Definitions)  
18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
20 U.S.C. § 6301 *et seq.* (No Child Left Behind)  
20 U.S.C. § 7908 (Armed Forces Recruiting Information)

26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)  
*Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d  
309 (2002)

***Cross References:*** MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect  
or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 519 (Interviews of Students by Outside  
Agencies)  
MSBA/MASA Model Policy 520 (Student Surveys)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 906 (Community Notification of Predatory  
Offenders)  
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School  
Records – Privacy – Access to Data)

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

MSBA/MASA Model Policy 515

Orig. 1995

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

Rev. ~~2011~~ 2012

## 515 PROTECTION AND PRIVACY OF PUPIL RECORDS

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

### I. PURPOSE

The school district recognizes its responsibility in regard to the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

### II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. § 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.

### III. DEFINITIONS

#### A. Authorized Representative

“Authorized representative” means any entity or individual designated by the school district, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

#### A B. Biometric Record

“Biometric record,” as referred to in “Personally Identifiable,” means a record of one or more measurable biological or behavioral characteristics that can be used for authorized recognition of an individual (e.g., fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics, and handwriting).

#### B C. Dates of Attendance

“Dates of attendance,” as referred to in “Directory Information,” means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who

are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

€ D. Directory Information

“Directory information” means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e., full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include: ~~a student's social security number or a student's identification number (“ID”) if the ID may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number, password, or other factor known or possessed only by the authorized user. It also does not include personally identifiable data which references religion, race, color, social position, or nationality. Data collected from nonpublic school students, other than those who receive shared time educational services, shall not be designated as directory information unless written consent is given by the student's parent or guardian.~~

1. a student's social security number;
2. a student's identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
3. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;
4. personally identifiable data which references religion, race, color, social position, or nationality; or
5. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or guardian.

*[Note: This definition includes all of the types of information specifically*

*referenced by state and federal law as directory information. A school district may choose not to designate some or all of the enumerated information as directory information. A school district also may add to the list of directory information, as long as the added data is not information that generally would be deemed as an invasion of privacy or information that references the student's religion, race, color, social position, or nationality. Federal law now allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. The identity of those parties and/or purposes should be identified. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. Designation of directory information is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure but also the additional administrative requirements such restrictions on disclosures will place on the school district. This is an important policy decision for the local school board which must balance student privacy rights against public disclosure.]*

D E. Education Records

1. What constitutes "education records." Education records means those records which: (1) are directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.
2. What does not constitute an education record. The term, "education records," does not include:
  - a. Records of instructional personnel which:
    - (1) are in the sole possession of the maker of the record; and
    - (2) are not accessible or revealed to any other individual except a substitute teacher; and
    - (3) are destroyed at the end of the school year.
  - b. Records of a law enforcement unit of the school district, provided education records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
    - (1) maintained separately from education records;
    - (2) maintained solely for law enforcement purposes; and
    - (3) disclosed only to law enforcement officials of the same jurisdiction.

- c. Records relating to an individual, including a student, who is employed by the school district which:
  - (1) are made and maintained in the normal course of business;
  - (2) relate exclusively to the individual in that individual's capacity as an employee; and
  - (3) are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
  - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
  - (2) made, maintained, or used only in connection with the provision of treatment to the student; and
  - (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.
- e. Records that only contain information about an individual after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student.

**E F.** Eligible Student

"Eligible student" means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

**F G.** Juvenile Justice System

"Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

**G H.** Legitimate Educational Interest

“Legitimate educational interest” includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person’s need to know in order to:

1. Perform an administrative task required in the school or employee’s contract or position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student’s education; or
3. Perform a service or benefit for the student or the student’s family such as health care, counseling, student job placement, or student financial aid.
4. Perform a task directly related to responding to a request for data.

~~H~~ I. Parent

“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

~~I~~ J. Personally Identifiable

“Personally identifiable” means that the data or information includes, but is not limited to: (a) a student’s name; (b) the name of the student’s parent or other family member; (c) the address of the student or student’s family; (d) a personal identifier such as the student’s social security number or student number or biometric record; (e) other direct identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

~~J~~ K. Record

“Record” means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

~~K~~ L. Responsible Authority

“Responsible authority” means *[designate title and actual name of individual]*.

**L M.** Student

“Student” includes any individual who is or has been in attendance, enrolled, or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district and individuals who receive shared time educational services from the school district.

**M N.** School Official

“School official” includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

*[Note: School districts may wish to reference police liaison officers in the definition of a “school official.” Depending on the circumstances of the relationship, this may be added in subpart (d) of the definition or in a new subpart (e). Caution should be used to ensure that police liaison officers are considered “school officials” only when performing duties as a police liaison officer. Consultation with the school district’s legal counsel is recommended.]*

**N O.** Summary Data

“Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

**O P.** Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

#### **IV. GENERAL CLASSIFICATION**

State law provides that all data collected, created, received, or maintained by a school district are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a

valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

## V. STATEMENT OF RIGHTS

### A. Rights of Parents and Eligible Students

Parents and eligible students have the following rights under this policy:

1. The right to inspect and review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI. of this policy.

### B. Eligible Students

All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

### C. Disabled Students

The school district shall follow 34 C.F.R. §§ 300.610-300.617 with regard to the

confidentiality of information related to students with a disability.

**VI. DISCLOSURE OF EDUCATION RECORDS**

A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
  - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
  - a. identifies and authenticates a particular person as the source of the electronic consent; and
  - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:

- a. in plain language;
- b. dated;
- c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
- d. specific as to the nature of the information the subject is authorizing to be disclosed;
- e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
- f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
- g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Section V. of this policy.

B. Prior Consent for Disclosure Not Required

The school district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

- 1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;

2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the school district would otherwise use employees;
  - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7165 of the federal No Child Left Behind Act *[insert the following if the school district has a policy regarding Staff Notification of Violent Behavior by Students]* and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;
4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or

- d. enforce the terms and conditions of the aid.

“Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual’s attendance at an educational agency or institution;

- 6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule, attendance record, and photographs, if any; and parents’ names, home addresses, and telephone numbers.
- 7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy ~~or return to the school district~~ all personally identifiable information when information is no longer needed

for the purposes for which the study was conducted and specifies the time period in which the information must be ~~returned or~~ destroyed. For purposes of this provision, the term, “organizations,” includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student’s education records that are relevant for the school district to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the

information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as “directory information” pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student’s full name, home address, telephone number, date of birth; a student’s school schedule, daily attendance record, and photographs, if any; and any parents’ names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student’s education record, may be disclosed provided that a request for

access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student's file;

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individual need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;

20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action; or

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.

C. Nonpublic School Students

The school district may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

## **VII. RELEASE OF DIRECTORY INFORMATION**

### **A. Classification**

Directory information is public except as provided herein.

### **B. Former Students**

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, the school district may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an “education record,” the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual’s attendance as a student (e.g., a student’s activities as an alumnus of the school district).

### **C. Present Students and Parents**

The school district may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure the school district shall:

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;

- b. the parent's or eligible student's right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
- c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.

*[Note: Federal law now allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the school district chooses to impose these limitations, it is advisable to add a new paragraph VII.C.1.d. which specifies that disclosures of directory information will be limited to specific parties and/or for specific purposes and identify those parties and/or purposes. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. This is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure, but also the additional administrative requirements such restrictions will place on the school district.]*

- 2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section VI. of this policy.
- 3. A parent or eligible student may not opt out of the directory information disclosures to:
  - a. prevent the school district from disclosing or requiring the student to disclose the student's name, ~~identifier ID~~, or school district e-mail address in a class in which the student is enrolled; or
  - b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
- 4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:

1. Name of the student and/or parent, as appropriate;
2. Home address;
3. School presently attended by student;
4. Parent's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration

The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided herein.

**VIII. DISCLOSURE OF PRIVATE RECORDS**

A. Private Records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in Section VI. of this policy, without the prior written consent of the parent or the eligible student. The school district will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

B. Private Records Not Accessible to Parent

In certain cases state law intends, and clearly provides, that certain information contained in the education records of the school district pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must

be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:

- a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
- b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
- c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
- d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- e. whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

Students shall not be entitled to access to private data concerning financial records and statements of the student's parent or any information contained therein.

**IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

A. Confidential Records

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a

copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

C. Investigative Data

Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

To the extent the school district maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

**X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR EXPULSION HEARING**

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student's parent or guardian or representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the action proposed by the school district may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, *et seq.*

**XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS**

A. The school district will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.

B. Data released to military recruiting officers under this provision:

1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and
2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority [*designate title of individual, i.e., building principal*] in writing by [*date*] each year. The written request must include the following information:

1. Name of student and parent, as appropriate;
2. Home address;

3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisclosure**

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

### **B. Redisclosure Not Prohibited**

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this

policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:

- a. The disclosures meet the requirements of Section VI. of this policy; and
  - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

***[Note: 42 U.S.C. § 14071 was repealed. School districts should retain this statutory reference, however, as it remains a reference in FERPA and the Minnesota Government Data Practices Act and still may apply to individuals required to register prior to the repeal of this law.]***

C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school district.

D. Notification

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in § 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

**XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING**

A. Responsible Authority

The responsible authority shall be responsible for the maintenance and security of student records.

B. Record Security

The principal of each school subject to the supervision and control of the responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

The building principal shall submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan shall contain the following information:

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;
4. Means of securing student records; and
5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and

- c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.

*[Note: While Section XIII.E.1. does not apply to requests for or disclosures of directory information under Section VII. of this policy, to the extent the school district chooses to limit the disclosure of directory information to specific parties, for specific purposes, or both, it is advisable that records be kept to identify the party to whom the disclosure was made and/or purpose for the disclosure.]*

4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of the school district.
5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom the school district disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

#### **XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student

The school district shall permit the parent of a student, an eligible student, or the parent of an eligible student who is also a dependent student who is or has been in attendance in the school district to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in Section VIII. of this policy.

B. Response to Request for Access

The school district shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section includes:

1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and

2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

The school district may presume that either parent of the student has authority to inspect or review the education records of a student unless the school district has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation, or custody which provides to the contrary.

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:

- a. the cost of materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;
  - c. any schedule of standard copying charges established by the school district in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
  - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
  3. The cost of providing copies shall be borne by the parent or eligible student.
  4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

## **XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**

### **A. Request to Amend Education Records**

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy ~~or other~~ rights of the student may request that the school district amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.
2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the

student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

B. Right to a Hearing

If the school district refuses to amend the education records of a student, the school district, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

1. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
2. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school district, or both.
3. Any statement placed in the education records of the student under Subdivision B. of this section shall:
  - a. be maintained by the school district as part of the education records of the student so long as the record or contested portion thereof is maintained by the school district; and
  - b. if the education records of the student or the contested portion thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the school district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal

and evidentiary matters.

3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The school district shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minn. Stat. Ch. 14 relating to contested cases.

## **XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means *[designate title and actual name of individual]*.
- C. Any request by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

## **XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202.

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

## **XVIII. WAIVER**

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The school district may not require such a waiver.

## **XIX. ANNUAL NOTIFICATION OF RIGHTS**

### **A. Contents of Notice**

The school district shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal No Child Left Behind Act and, if applicable, a student's history of violent behavior.

### **B. Notification to Parents of Students Having a Primary Home Language Other Than English**

The school district shall provide for the need to effectively notify parents of

students identified as having a primary or home language other than English.

C. Notification to Parents or Eligible Students Who are Disabled

The school district shall provide for the need to effectively notify parents or eligible students identified as disabled.

**XX. DESTRUCTION AND RETENTION OF RECORDS**

Destruction and retention of records by the school district shall be controlled by state and federal law.

**XXI. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the office of the superintendent.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 14 (Administrative Procedures Act)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)  
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)  
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)  
Minn. Stat. § 363A.42 (Public Records; Accessibility)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)  
18 U.S.C. § 2331 (Definitions)  
18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
20 U.S.C. § 6301 *et seq.* (No Child Left Behind)  
20 U.S.C. § 7908 (Armed Forces Recruiting Information)  
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)  
*Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)

**Cross References:** MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)

MSBA/MASA Model Policy 520 (Student Surveys)

MSBA/MASA Model Policy 711 (Video Recording on School Buses)

MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)

MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records – Privacy – Access to Data)

1<sup>st</sup> Reading: 03/26/2007

2<sup>nd</sup> Reading: 04/23/2007

Approved: 05/22/2007

## **518 DNR-DNI ORDERS**

### **I. PURPOSE**

The school district recognizes that it is serving students with complex health needs. The school district also recognizes that school district staff may be confronted with requests to withhold emergency care of a student in the event of a life threatening situation at school or school activities or be presented with Do Not Resuscitate/Do Not Intubate (DNR-DNI) orders. The purpose of this policy is to provide guidance to school district staff and parents or guardians in these situations.

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

- A. The primary mission of the school district is education. DNR-DNI Orders are medical documents. School district staff will not accept or honor requests to withhold emergency care or DNR-DNI orders. The school district will not convey such orders to emergency medical personnel.
- B. School district staff will provide reasonable emergency care and assistance when a student is undergoing a medical emergency during school or school activities.
- C. School district staff will activate emergency medical services (911) as soon as possible when a student is undergoing a medical emergency during school or school activities.
- D. The parent/guardian will be notified of the emergency as soon as possible.
- E. Notwithstanding this school district policy, IEP and Section 504 teams must develop individualized medical emergency care plans for students when appropriate in accordance with state and federal law.
- F. Parents/guardians who request that emergency care be withheld for their child or who present DNR-DNI Orders, shall be advised of and shall be given a copy of this policy.

**Legal References:** 29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
42 U.S.C. §§ 12101-12213 (Americans with Disabilities Act)

**Cross References:**

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

MSBA/MASA Model Policy 518

Orig. 1995

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

Rev. 2003

## 518 DNR-DNI ORDERS

### I. PURPOSE

The school district recognizes that it is serving students with complex health needs. The school district also recognizes that school district staff may be confronted with requests to withhold emergency care of a student in the event of a life threatening situation at school or school activities or be presented with Do Not Resuscitate/Do Not Intubate (DNR-DNI) orders. The purpose of this policy is to provide guidance to school district staff and parents or guardians in these situations.

### II. GENERAL STATEMENT OF POLICY

- A. The primary mission of the school district is education. DNR-DNI ~~o~~orders are medical documents. School district staff will not accept or honor requests to withhold emergency care or DNR-DNI orders. The school district will not convey such orders to emergency medical personnel.
- B. School district staff will provide reasonable emergency care and assistance when a student is undergoing a medical emergency during school or school activities.
- C. School district staff will activate emergency medical services (911) as soon as possible when a student is undergoing a medical emergency during school or school activities.
- D. The parent/guardian will be notified of the emergency as soon as possible.
- E. Notwithstanding this school district policy, IEP and Section 504 teams must develop individualized medical emergency care plans for students when appropriate in accordance with state and federal law.
- F. Parents/guardians who request that emergency care be withheld for their child or who present DNR-DNI ~~o~~orders, shall be advised of and shall be given a copy of this policy.

**Legal References:** 29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
42 U.S.C. §§ 12101-12213 (Americans with Disabilities Act)

**Cross References:**

1<sup>st</sup> Reading: 03/26/2007

2<sup>nd</sup> Reading: 04/23/2007

Approved: 05/22/2007

## **520 STUDENT SURVEYS**

### **I. PURPOSE**

Occasionally the school district utilizes surveys to obtain student opinions and information about students. The purpose of this policy is to establish the parameters of information that may be sought in student surveys.

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

Student surveys may be conducted as determined necessary by the school district. Surveys, analyses and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 1232h.

### **III. STUDENT SURVEYS IN GENERAL**

- A. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student in any way. No attempt will be made in any way to identify a student survey participant. There will be no requirement that the student return the survey, and no record of the student's returning a survey will be maintained.
- B. The superintendent may choose not to approve any survey that seeks probing personal and/or sensitive information that could result in identifying the survey participant, or is discriminatory in nature based on age, race, color, sex, disability, religion, or national origin.
- C. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality and religion will not be administered to any student unless the parent or guardian of the student is notified in writing that such survey is to be administered and the parent or guardian of the student gives written permission for the student to participate or the opportunity to opt out of the survey depending upon how the survey is funded. Any and all documents containing the written permission of a parent for a student to participate in a survey will be maintained by the school district in a file separate from the survey responses.
- D. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in his or her responses to a survey, the school district will take appropriate steps to ensure the data is protected in accordance with Minn. Stat. Ch. 13 (Minnesota Government

Data Practices Act), 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) and 34 C.F.R. Part 99.

#### **IV. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM**

- A. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, shall be available for inspection by the parents or guardians of the students.
  
- B. No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent, to submit to a survey that reveals information concerning:
  - 1. political affiliations or beliefs of the student or the student's parent;
  - 2. mental and psychological problems of the student or the student's family;
  - 3. sex behavior or attitudes;
  - 4. illegal, antisocial, self-incriminating, or demeaning behavior;
  - 5. critical appraisals of other individuals with whom respondents have close family relationships;
  - 6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - 7. religious practices, affiliations, or beliefs of the student or the student's parent; or
  - 8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
  
- C. A school district that receives funds under any program funded by the U.S. Department of Education shall develop local policies consistent with Sections IV.A. and IV.B., above, concerning student privacy, parental access to information, and administration of certain physical examinations to minors.
  - 1. The following policies are to be adopted in consultation with parents:

- a. The right of a parent to inspect, on request, a survey, including an evaluation, created by a third party before the survey is administered or distributed by a school to a student, including procedures for granting a parent's request for reasonable access to such survey within a reasonable period of time after the request is received.

“Parent” means a legal guardian or other person acting *in loco parentis* (in place of a parent), such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child.

- b. Arrangements to protect student privacy in the event of the administration or distribution of a survey, including an evaluation, to a student which contains one or more of the items listed in Section IV.B., above, including the right of a parent of a student to inspect, on request, any such survey.
- c. The right of a parent of a student to inspect, on request, any instructional material used as part of the educational curriculum for the student and procedures for granting a request by a parent for such access within a reasonable period of time after the request is received.

“Instructional material” means instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (i.e., materials accessible through the Internet). The term does not include academic tests or academic assessments.

- d. The administration of physical examinations or screenings that the school district may administer to a student. This provision does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, *et seq.*).
- e. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing the information to others for that purpose), including arrangements to protect student privacy that are provided by the school district in the event of such collection, disclosure, or use.

(1) “Personal information” means individually identifiable information including a student or parent's first and last

name; a home or other physical address (including street name and the name of the city or town); a telephone number; or a Social Security identification number.

- (2) This provision does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as:
  - (a) college or other postsecondary education recruitment or military;
  - (b) book clubs, magazines, and programs providing access to low cost literary products;
  - (c) curriculum and instructional materials used by elementary and secondary schools;
  - (d) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistically useful data for the purpose of securing such tests and assessments and the subsequent analysis and public release of the aggregate data from such tests and assessments;
  - (e) the sale by students of products or services to raise funds for school-related or education-related activities; and
  - (f) student recognition programs.
- (3) The right of a parent to inspect, on request, any instrument used in the collection of information, as described in Section IV.C.1., Subparagraph e., above, before the instrument is administered or distributed to a student and procedures for granting a request by a parent for reasonable access to such an instrument within a reasonable period of time after the request is received.

2. The policies adopted under Section IV.C., Subparagraph 1., above, shall provide for reasonable notice of the adoption or continued use of such policies directly to parents of students enrolled in or served by the school district.

- a. The notice will be provided at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy.
  - b. The notice will provide parents with an opportunity to opt out of participation in the following activities:
    - (1) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
    - (2) The administration of any third-party survey (non-Department of Education funded) containing one or more of the items contained in Section IV.B., above.
    - (3) Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or other students.

“Invasive physical examination” means any medical examination that involves the exposure of private body parts, or act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
  - c. The notice will advise students of the specific or approximate dates during the school year when the activities in Section IV.C.2., Subparagraph b., above, are scheduled, or expected to be scheduled.
  - d. The notice provisions shall not be construed to preempt applicable provisions of state law that require parental notification and do not apply to any physical examination or screening that is permitted or required by applicable state law, including physical examinations or screenings that are permitted without parental notification.
- D. The school district shall give parents and students notice of their rights under this section.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
20 U.S.C. 1232g (Family Educational Rights and Privacy Act)  
20 U.S.C. 1232h (Protection of Pupil Rights)  
34 C.F.R. Part 99 (Family Educational Rights and Privacy Act Regulations)  
*Gonzaga University v. Doe*, 536 U.S. 273 (2002)

**Cross References:** 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)

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

MSBA/MASA Model Policy 520

Orig. 1995

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

Rev. 2003

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### **I. PURPOSE**

Occasionally the school district utilizes surveys to obtain student opinions and information about students. The purpose of this policy is to establish the parameters of information that may be sought in student surveys.

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

Student surveys may be conducted as determined necessary by the school district. Surveys, analyses and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 1232h.

### **III. STUDENT SURVEYS IN GENERAL**

- A. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student in any way. No attempt will be made in any way to identify a student survey participant. There will be no requirement that the student return the survey, and no record of the student's returning a survey will be maintained.
- B. The superintendent may choose not to approve any survey that seeks probing personal and/or sensitive information that could result in identifying the survey participant, or is discriminatory in nature based on age, race, color, sex, disability, religion, or national origin.
- C. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality and religion will not be administered to any student unless the parent or guardian of the student is notified in writing that such survey is to be administered and the parent or guardian of the student gives written permission for the student to participate or the opportunity to opt out of the survey depending upon how the survey is funded. Any and all documents containing the written permission of a parent for a student to participate in a survey will be maintained by the school district in a file separate from the survey responses.
- D. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in his or her

responses to a survey, the school district will take appropriate steps to ensure the data is protected in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act), 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) and 34 C.F.R. Part 99.

#### **IV. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM**

- A. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, shall be available for inspection by the parents or guardians of the students.
  
- B. No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent, to submit to a survey that reveals information concerning:
  - 1. political affiliations or beliefs of the student or the student's parent;
  - 2. mental and psychological problems of the student or the student's family;
  - 3. sex behavior or attitudes;
  - 4. illegal, antisocial, self-incriminating, or demeaning behavior;
  - 5. critical appraisals of other individuals with whom respondents have close family relationships;
  - 6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - 7. religious practices, affiliations, or beliefs of the student or the student's parent; or
  - 8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
  
- C. A school district that receives funds under any program funded by the U.S. Department of Education shall develop local policies consistent with Sections IV.A. and IV.B., above, concerning student privacy, parental access to information, and administration of certain physical examinations to minors.

1. The following policies are to be adopted in consultation with parents:

- a. The right of a parent to inspect, on request, a survey, including an evaluation, created by a third party before the survey is administered or distributed by a school to a student, including procedures for granting a parent's request for reasonable access to such survey within a reasonable period of time after the request is received.

“Parent” means a legal guardian or other person acting *in loco parentis* (in place of a parent), such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child.

- b. Arrangements to protect student privacy in the event of the administration or distribution of a survey, including an evaluation, to a student which contains one or more of the items listed in Section IV.B., above, including the right of a parent of a student to inspect, on request, any such survey.

- c. The right of a parent of a student to inspect, on request, any instructional material used as part of the educational curriculum for the student and procedures for granting a request by a parent for such access within a reasonable period of time after the request is received.

“Instructional material” means instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (i.e., materials accessible through the Internet). The term does not include academic tests or academic assessments.

- d. The administration of physical examinations or screenings that the school district may administer to a student. This provision does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, *et seq.*).

- e. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing the information to others for that purpose), including arrangements to protect student privacy that are provided by the school district in the event of such collection, disclosure, or use.

- (1) “Personal information” means individually identifiable information including a student or parent’s first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; or a Social Security identification number.
- (2) This provision does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as:
  - (a) college or other post-secondary education recruitment or military;
  - (b) book clubs, magazines, and programs providing access to low cost literary products;
  - (c) curriculum and instructional materials used by elementary and secondary schools;
  - (d) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistically useful data for the purpose of securing such tests and assessments and the subsequent analysis and public release of the aggregate data from such tests and assessments;
  - (e) the sale by students of products or services to raise funds for school-related or education-related activities; and
  - (f) student recognition programs.
- (3) The right of a parent to inspect, on request, any instrument used in the collection of information, as described in Section IV.C.1., Subparagraph e., above, before the instrument is administered or distributed to a student and procedures for granting a request by a parent for reasonable access to such an instrument within a reasonable period of time after the request is received.

2. The policies adopted under Section IV.C., Subparagraph 1., above, shall provide for reasonable notice of the adoption or continued use of such

policies directly to parents of students enrolled in or served by the school district.

- a. The notice will be provided at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy.
- b. The notice will provide parents with an opportunity to opt out of participation in the following activities:
  - (1) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
  - (2) The administration of any third-party survey (non-Department of Education funded) containing one or more of the items contained in Section IV.B., above.
  - (3) Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or other students.

“Invasive physical examination” means any medical examination that involves the exposure of private body parts, or act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
- c. The notice will advise students of the specific or approximate dates during the school year when the activities in Section IV.C.2., Subparagraph b., above, are scheduled, or expected to be scheduled.
- d. The notice provisions shall not be construed to preempt applicable provisions of state law that require parental notification and do not apply to any physical examination or screening that is permitted or required by applicable state law, including physical examinations or screenings that are permitted without parental notification.

D. The school district shall give parents and students notice of their rights under this section.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
20 U.S.C. 1232g (Family Educational Rights and Privacy Act)  
20 U.S.C. 1232h (Protection of Pupil Rights)  
34 C.F.R. Part 99 (Family Educational Rights and Privacy Act Regulations)  
*Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)  
*C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d. 159 (3<sup>rd</sup> Cir. 2005)  
*Fields v. Palmdale School Dist.*, 427 F.3d. 1197 (9<sup>th</sup> Cir. 2005)

**Cross References:** 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)

*1<sup>st</sup> Reading: 04/24/2006*

*2<sup>nd</sup> Reading: 05/22/2006*

*Approved: 6/26/2006*

*Reviewed: 12/17/2012*

## **524 INTERNET ACCEPTABLE USE AND SAFETY POLICY**

### **I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for access to the school district computer system and acceptable and safe use of the Internet, including electronic communications.

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

In making decisions regarding student and employee access to the school district computer system and the Internet, including electronic communications, the school district considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the school district computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of the school district computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

### **III. LIMITED EDUCATIONAL PURPOSE**

The school district is providing students and employees with access to the school district computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school district system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

### **IV. USE OF SYSTEM IS A PRIVILEGE**

The use of the school district system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

### **V. UNACCEPTABLE USES**

- A. The following uses of the school district system and Internet resources or accounts are considered unacceptable:
1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit or distribute:
    - a. pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;
    - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
    - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
    - d. information or materials that could cause damage or danger of disruption to the educational process;
    - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
  2. Users will not use the school district system to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
  3. Users will not use the school district system to engage in any illegal act or violate any local, state or federal statute or law.
  4. Users will not use the school district system to vandalize, damage or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means, will not tamper with, modify or change the school district system software, hardware or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
  5. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information or files without the implied or direct permission of that person.
  6. Users will not use the school district system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs or other information that would make the

individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.

- a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
- b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
  - (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
  - (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

- c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "MySpace" and "Facebook."
7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.

8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
  9. Users will not use the school district system for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a school district employee or student is negatively impacted. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.
- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.

## **VI. FILTER**

All computers equipped with Internet access and available for student use at each school site will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.

## **VII. CONSISTENCY WITH OTHER SCHOOL POLICIES**

Use of the school district computer system and use of the Internet shall be consistent with school district policies and the mission of the school district.

## **VIII. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 ( the Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

## **IX. INTERNET USE AGREEMENT**

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.
- C. The Internet Use Agreement form for students must be read and signed by the user, the parent or guardian, and the supervising teacher. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

## **X. LIMITATION ON SCHOOL DISTRICT LIABILITY**

Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on school district diskettes, tapes, hard drives or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

## **XI. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
  - 1. Notification that Internet use is subject to compliance with school district policies.
  - 2. Disclaimers limiting the school district's liability relative to:
    - a. Information stored on school district diskettes, hard drives or servers.
    - b. Information retrieved through school district computers, networks or online resources.
    - c. Personal property used to access school district computers, networks or online resources.
    - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
  - 3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
  - 4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
  - 5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
  - 6. Notification that the collection, creation, reception, maintenance and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.

7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
8. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.

## **XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE**

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
  1. A copy of the user notification form provided to the student user.
  2. A description of parent/guardian responsibilities.
  3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
  4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
  5. A statement that the school district's acceptable use policy is available for parental review.

## **XIII. IMPLEMENTATION; POLICY REVIEW**

- A. The school district administration may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district Internet policies and procedures are available for review by all parents, guardians, staff and members of the community.

- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

**Legal References:** 15 U.S.C. § 6501 *et seq.* (Children’s Online Privacy Protection Act)  
17 U.S.C. § 101 *et seq.* (Copyrights)  
20 U.S.C. § 6751 *et seq.* (Enhancing Education through Technology Act of 2001)  
47 U.S.C. § 254 (Children’s Internet Protection Act of 2000 (CIPA))  
47 C.F.R. § 54.520 (FCC rules implementing CIPA)  
Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)  
Minn. Stat. § 125B.15 (Internet Access for Students)  
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)  
*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*United States v. Amer. Library Assoc.*, 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)  
*Doninger v. Niehoff*, 527 F.3d 41 (2<sup>nd</sup> Cir. 2008)  
*Tatro v. Univ. of Minnesota*, 800 N.W.2d 811 (Minn. App. 2011)  
*Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3<sup>rd</sup> Cir. 2011)  
*M.T. v. Cent. York Sch. Dist.*, 937 A.2d 538 (Pa. Commw. Ct. 2007)  
*J.S. v. Bethlehem Area Sch. Dist.*, 807 A.2d 847 (Pa. 2002)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
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MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
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MSBA/MASA Model Policy 603 (Curriculum Development)  
MSBA/MASA Model Policy 604 (Instructional Curriculum)  
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)  
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

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

MSBA/MASA Model Policy 524

Orig. 1996

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

Rev. ~~2011~~ 2012

## **524 INTERNET ACCEPTABLE USE AND SAFETY POLICY**

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

### **I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for access to the school district computer system and acceptable and safe use of the Internet, including electronic communications.

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

In making decisions regarding student and employee access to the school district computer system and the Internet, including electronic communications, the school district considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the school district computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of the school district computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

### **III. LIMITED EDUCATIONAL PURPOSE**

The school district is providing students and employees with access to the school district computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school district system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

### **IV. USE OF SYSTEM IS A PRIVILEGE**

The use of the school district system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of

employment; or civil or criminal liability under other applicable laws.

## **V. UNACCEPTABLE USES**

- A. The following uses of the school district system and Internet resources or accounts are considered unacceptable:
1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
    - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
    - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
    - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
    - d. information or materials that could cause damage or danger of disruption to the educational process;
    - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
  2. Users will not use the school district system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
  3. Users will not use the school district system to engage in any illegal act or violate any local, state, or federal statute or law.
  4. Users will not use the school district system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
  5. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
  6. Users will not use the school district system to post private information

about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message. *[Note: School districts should consider the impact of this paragraph on present practices and procedures, including, but not limited to, practices pertaining to employee communications, school or classroom websites, and student/employee use of social networking websites. Depending upon school district policies and practices, school districts may wish to add one or more of the following clarifying paragraphs.]*

- a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
- b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
  - (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
  - (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

- c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or

another individual on social networks, including, but not limited to, social networks such as “MySpace” and “Facebook.”

7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person’s account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.
  8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person’s property without the person’s prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
  9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a school district employee or student is negatively impacted. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.
- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee’s immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance

from the appropriate teacher or, in the case of a school district employee, the building administrator.

## **VI. FILTER**

*[Note: Pursuant to state law, school districts are required to restrict access to inappropriate materials on school computers with Internet access. School districts which seek technology revenue pursuant to Minn. Stat. § 125B.26 or certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children's Internet Protection Act, effective in 2001. Those districts are required to comply with additional standards in restricting possible access to inappropriate materials. Therefore, school districts should select one of the following alternative sections depending upon whether the school district is seeking such funding and the type of funding sought.]*

### **ALTERNATIVE NO. 1**

*For a school district which does not seek either state or federal funding in connection with its computer system, the following language should be adopted. It reflects a mandatory requirement under state law, Minn. Stat. § 125B.15.*

All computers equipped with Internet access and available for student use at each school site will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

*[Note: The purchase of filtering technology is not required by state law if the school site would incur more than incidental expense in making the purchase. In the absence of filtering technology, school sites still are required to use "other effective methods" to restrict student access to such materials.]*

### **ALTERNATIVE NO. 2**

*Technology revenue is available to school districts that meet the additional condition of also restricting adult access to inappropriate materials. School districts that seek such state technology revenue may adopt or retain the following language. However, the school district is not required to do so.*

- A. All school district computers with Internet access and available for student use will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.
- B. All school district computers with Internet access, not just those accessible and available to students, will be equipped to restrict, by use of available software filtering technology or other effective methods, adult access to materials that are

reasonably believed to be obscene or child pornography under state or federal law.

C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

### **ALTERNATIVE NO. 3**

*School districts which receive certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children’s Internet Protection Act, effective in 2001. This law requires school districts to adopt an Internet safety policy which contains the provisions set forth below. Also, the Act requires such school districts to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation. School districts that do not seek such federal financial assistance need not adopt the alternative language set forth below nor meet the requirements with respect to a public meeting to review the policy. The following alternative language for school districts that seek such federal financial assistance satisfies both state and federal law requirements.*

- A. With respect to any of its computers with Internet access, the school district will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
  - 1. Obscene;
  - 2. Child pornography; or
  - 3. Harmful to minors.
  
- B. The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:
  - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
  - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

- € D. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- Ð E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

*[Note: Although school districts are not required to adopt the more restrictive provisions contained in either Alternative No. 2 or No. 3 if they do not seek state or federal funding, they may choose to adopt the more restrictive provisions as a matter of school policy.]*

## **VII. CONSISTENCY WITH OTHER SCHOOL POLICIES**

Use of the school district computer system and use of the Internet shall be consistent with school district policies and the mission of the school district.

## **VIII. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

## **IX. INTERNET USE AGREEMENT**

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.
- C. The Internet Use Agreement form for students must be read and signed by the user, the parent or guardian, and the supervising teacher. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

## **X. LIMITATION ON SCHOOL DISTRICT LIABILITY**

Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage, or unavailability of data stored on school district diskettes, tapes, hard drives, or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

## **XI. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
  - 1. Notification that Internet use is subject to compliance with school district policies.
  - 2. Disclaimers limiting the school district's liability relative to:
    - a. Information stored on school district diskettes, hard drives, or servers.
    - b. Information retrieved through school district computers, networks, or online resources.
    - c. Personal property used to access school district computers, networks, or online resources.

- d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.
7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

## **XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE**

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
  1. A copy of the user notification form provided to the student user.
  2. A description of parent/guardian responsibilities.
  3. A notification that the parents have the option to request alternative

educational activities not requiring Internet access and the material to exercise this option.

4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
5. A statement that the school district's acceptable use policy is available for parental review.

### **XIII. IMPLEMENTATION; POLICY REVIEW**

- A. The school district administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

**Legal References:** 15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)  
17 U.S.C. § 101 *et seq.* (Copyrights)  
20 U.S.C. § 6751 *et seq.* (Enhancing Education through Technology Act of 2001)  
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))  
47 C.F.R. § 54.520 (FCC rules implementing CIPA)  
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Minn. Stat. § 125B.15 (Internet Access for Students)  
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*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*United States v. Amer. Library Assoc.*, 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)  
*Doninger v. Niehoff*, 527 F.3d 41 (2<sup>nd</sup> Cir. 2008)  
[\*R.S. v. Minnewaska Area Sch. Dist. No. 2149\*, No. 12-588, 2012 WL 3870868 \(D. Minn. 2012\)](#)  
*Tatro v. Univ. of Minnesota*, 800 N.W.2d 811 (Minn. App. 2011), [aff'd on other grounds 816 N.W.2d 509 \(Minn. 2012\)](#)  
[\*S.J.W. v. Lee's Summit R-7 Sch. Dist.\*, 696 F.3d 771 \(8<sup>th</sup> Cir. 2012\)](#)

*Kowalski v. Berkeley County Sch.*, 652 F.3d 656 (4<sup>th</sup> Cir. 2011)  
*Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3<sup>rd</sup> Cir. 2011)  
*Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist.*, 853 F.Supp.2d 888 (W.D. Mo. 2012)  
*M.T. v. Cent. York Sch. Dist.*, 937 A.2d 538 (Pa. Commw. Ct. 2007)  
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***Cross References:*** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
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MSBA/MASA Model Policy 806 (Crisis Management Policy)  
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

1<sup>st</sup> Reading: 4/23/2007

2<sup>nd</sup> Reading: 5/22/2007

Approved: 9/24/2007

## **525 VIOLENCE PREVENTION [APPLICABLE TO STUDENTS AND STAFF]**

### **I. PURPOSE**

The purpose of this policy is to recognize that violence has increased and to identify measures that the school district will take in an attempt to maintain a learning and working environment that is free from violent and disruptive behavior.

The school board is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority and they should be protected from physical or emotional harm during school activities, and on school grounds, buses or field trips while under school district supervision.

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

- A. It is the policy of the school district to strictly enforce its weapons policy (Policy 501).
- B. It is the policy of the school district to act promptly in investigating all acts, or formal or informal complaints, of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- C. The administration will periodically review discipline policies and procedures, prepare revisions if necessary, and submit them to the school board for review and adoption.
- D. The school district will implement approved violence prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

### **III. IMPLEMENTATION OF POLICY**

- A. The school board will review and approve policies to prevent and address violence in our schools. The superintendent or designee will develop procedures to effectively implement the school weapons and violence prevention policies. It shall be incumbent on all students and staff to observe all policies and report violations to the school administration.
- B. The school board and administration will inform staff and students annually of policies and procedures related to violence prevention and weapons.

- C. The school district will act promptly to investigate all acts and formal and informal complaints of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- D. The consequences set forth in the school weapons policy (Policy 501) will be imposed upon any student or nonstudent who possesses, uses or distributes a weapon when in a school location.
- E. The consequences set forth in the school hazing policy (Policy 526) will be imposed upon any student or staff member who commits an act against a student or staff member; or coerces a student or staff member into committing an act, that creates a substantial risk of harm to a person in order for the student or staff member to be initiated into or affiliated with an organization, or for any other purpose.
- F. Students with disabilities may be expelled for behavior unrelated to their disabilities, subject to the procedural safeguards required by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Pupil Fair Dismissal Act.
- G. Procedures will be developed for the referral of any person in violation of this policy or the weapons policy to the local law enforcement agency in accordance with Minn. Stat. § 121A.05.
- H. Students who wear objectionable emblems, signs, words, objects, or pictures on clothing communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership or that approves, advances, or provokes any form of religious, racial or sexual harassment or violence against other individuals as defined in the harassment and violence policy (Policy 413) will be subject to the procedures set forth in the student dress and appearance policy (Policy 504). “Gang” as used in this policy means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities, the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. A “pattern of gang activity” means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.
- I. This policy is not intended to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, denote gang affiliation, advocate harassment or violence against others, are likely to disrupt the education process,

or cause others to react in a violent or illegal manner (Policy 504).

#### **IV. PREVENTION STRATEGIES**

The school district has adopted and will implement the following prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

- A. Adopt a district crisis management policy to address potential violent crisis situations in the district.
- B. Provide training in recognition, prevention, and safe responses to violence, and development of a positive school climate.
- C. Coordinate a local school security review committee or task force comprised of school officials, law enforcement, parents, students and other youth service providers to advise on policy implementation.
- D. In-service training for personnel in aspects of reporting, visibility and supervision as deterrents to violence.
- E. Promote student safety responsibility by encouraging the reporting of suspicious individuals and unusual activities on school grounds.
- F. Establish a curriculum committee that explores ways of teaching students violence prevention strategies, law-related education and character/ values education (universal values, e.g. honesty, personal responsibility, self-discipline, cooperation and respect for others.)
- G. Establish clear school rules that prevent and deter violence.
- H. Develop cross-cultural awareness programs to unify students of all cultures and backgrounds, to develop mutual respect and understanding of shared experiences and values among students, and to promote the message of inclusion.
- I. Establish conflict resolution training, conflict management, or peer mediation programs for staff and students to teach conservative approaches to settling disputes.
- J. Develop curriculum that teaches social skills such as maintaining self-control, building communications skills, forming friendships, resisting peer pressure, being appropriately assertive, forming positive relationships with adults, and resolving conflict in nonviolent ways.
- K. Develop curriculum that teaches critical viewing and listening skills in analyzing mass media to recognize stereotypes, distinguish fact from fantasy and identify differences in behavior and values that conflict with their own.

- L. Develop student safety forums that both inform and elicit students' ideas about particular safety problems in the building.
- M. Develop a student photo or name identification system for quick identification of the student in case of emergency.
- N. Develop a staff photo or name identification system using identification badges for quick identification of unauthorized people on campus.
- O. Require all visitors to check-in the main office upon their arrival and state their business at the school. A visitor badge may be issued for easy identification that the visitor is authorized to be present in the school building.
- P. Develop curriculum 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.

**V. STUDENT SUPPORT**

- A. Students will have access to school-based student service professionals, when available, including counselors, nurses, social workers, and psychologists who are knowledgeable in methods to assist students with violence prevention and intervention.
- B. Students will be apprised of school board policies designed to protect their personal safety.
- C. Students will be provided with information as to school district and building rules regarding weapons and violence.
- D. Students will be informed of resources for violence prevention and proper reporting.

**VI. PERSONNEL**

- A. School district personnel shall comply with the school weapons policy (Policy 501) and the school hazing policy (Policy 526).
- B. School district personnel shall be knowledgeable of violence prevention policies and report any violation to school administration immediately. School district personnel will be informed annually as to school district and building rules regarding weapons and violence prevention.
- C. School district personnel or agents of the school district shall not engage in emotionally abusive acts including malicious shouting, ridicule, and/or threats or other forms of corporal punishment (Policy 507).

**Legal References:** Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)  
Minn. Stat. § 120B.22 (Violence Prevention Education)  
Minn. Stat. § 120B.225 (Character Development Education)  
Minn. Stat. § 121A.05 (Policy to Refer Firearms Possessor)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)  
Minn. Stat. § 121A.57 (Crisis Management Policy)  
Minn. Stat. § 121A.64 (Notification)  
Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. § 181.967, Subd. 5 (School District Disclosure of Violence or Inappropriate Sexual Contact)  
18 U.S.C. § 921 (Definition of Firearm)  
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
*Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 31 (1969)  
*Stephenson v. Davenport Cmty. Sch. Dist.*, 110 F.3d 1303 (8th Cir. 1997)  
*McIntire v. Bethel School Indep. Sch. Dist. No. 3*, 804 F.Supp. 1415, 78 Educ. L. Represent. 828 (W.D. Okla. 1992)  
*Olesen v. Board of Educ. of Sch. Dist. No. 228*, 676 F.Supp. 822, 44 Educ. L.Rep. 205 (N.D. Ill. 1987)

**Cross References:** MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 501 (School Weapons Policy)  
MSBA/MASA Model Policy 504 (Student Dress and Appearance)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)

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

MSBA/MASA Model Policy 525

Orig. 1996

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

Rev. 2005

## **525 VIOLENCE PREVENTION [APPLICABLE TO STUDENTS AND STAFF]**

### **I. PURPOSE**

The purpose of this policy is to recognize that violence has increased and to identify measures that the school district will take in an attempt to maintain a learning and working environment that is free from violent and disruptive behavior.

The school board is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority and they should be protected from physical or emotional harm during school activities and on school grounds, buses, or field trips while under school district supervision.

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

- A. ~~It is the~~ **The** policy of the school district ~~is~~ to strictly enforce its weapons policy (Policy 501).
- B. ~~It is the~~ **The** policy of the school district ~~is~~ to act promptly in investigating all acts, or formal or informal complaints, of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- C. The administration will periodically review discipline policies and procedures, prepare revisions if necessary, and submit them to the school board for review and adoption.
- D. The school district will implement approved violence prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

### **III. IMPLEMENTATION OF POLICY**

- A. The school board will review and approve policies to prevent and address violence in our schools. The superintendent or designee will develop procedures to effectively implement the school weapons and violence prevention policies. It shall be incumbent on all students and staff to observe all policies and report violations to the school administration.
- B. The school board and administration will inform staff and students annually of

policies and procedures related to violence prevention and weapons.

- C. The school district will act promptly to investigate all acts and formal and informal complaints of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- D. The consequences set forth in the school weapons policy (Policy 501) will be imposed upon any student or nonstudent who possesses, uses or distributes a weapon when in a school location.
- E. The consequences set forth in the school hazing policy (Policy 526) will be imposed upon any student or staff member who commits an act against a student or staff member; or coerces a student or staff member into committing an act, that creates a substantial risk of harm to a person in order for the student or staff member to be initiated into or affiliated with an organization, or for any other purpose.
- F. Students with disabilities may be expelled for behavior unrelated to their disabilities, subject to the procedural safeguards required by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Pupil Fair Dismissal Act.
- G. Procedures will be developed for the referral of any person in violation of this policy or the weapons policy to the local law enforcement agency in accordance with Minn. Stat. § 121A.05.
- H. Students who wear objectionable emblems, signs, words, objects, or pictures on clothing communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership or that approves, advances, or provokes any form of religious, racial, or sexual harassment or violence against other individuals as defined in the harassment and violence policy (Policy 413) will be subject to the procedures set forth in the student dress and appearance policy (Policy 504). “Gang” as used in this policy means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. A “pattern of gang activity” means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.
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harassment or violence against others, are likely to disrupt the education process, or cause others to react in a violent or illegal manner (Policy 504).

#### **IV. PREVENTION STRATEGIES**

The school district has adopted and will implement the following prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

*[Note: The school board can adopt any of the prevention strategies that it intends to implement in its schools, including some or all of the following sample strategies.]*

- A. Adopt a district crisis management policy to address potential violent crisis situations in the district.
- B. Provide training in recognition, prevention, and safe responses to violence and development of a positive school climate.
- C. Coordinate a local school security review committee or task force comprised of school officials, law enforcement, parents, students, and other youth service providers to advise on policy implementation.
- D. In-service training for personnel in aspects of reporting, visibility, and supervision as deterrents to violence.
- E. Promote student safety responsibility by encouraging the reporting of suspicious individuals and unusual activities on school grounds.
- F. Establish a curriculum committee that explores ways of teaching students violence prevention strategies, law-related education, and character/values education (universal values, e.g., honesty, personal responsibility, self-discipline, cooperation, and respect for others).
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- K. Develop curriculum that teaches critical viewing and listening skills in analyzing mass media to recognize stereotypes, distinguish fact from fantasy, and identify differences in behavior and values that conflict with their own.
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**Legal References:** Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)  
Minn. Stat. § 120B.22 (Violence Prevention Education)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.05 (Policy to Refer Firearms Possessor)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)  
Minn. Stat. § 121A.57 (Crisis Management Policy)  
Minn. Stat. § 121A.64 (Notification)  
Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. § 181.967, Subd. 5 (School District Disclosure of Violence or Inappropriate Sexual Contact)  
18 U.S.C. § 921 (Definition of Firearm)  
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
*Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*Stephenson v. Davenport Cmty. Sch. Dist.*, 110 F.3d 1303 (8<sup>th</sup> Cir. 1997)  
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**Cross References:** MSBA/MASA Model Policy 413 (Harassment and Violence)  
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