

## Work Session

Tuesday, March 15, 2022 5:30 PM

Fridley Community Center, 6085 7th Street NE, Fridley, MN 55432

A.	<b>Signing Required Documents</b>	<b>Presenter:</b> Dr. Kim Hiel
B.	<b><u>GOVERNANCE AND POLICY</u></b>	
B.1.	Second Readings and Adoption of Policies	<b>Presenter:</b> Barbie Roessler
B.1.a.	Policy 805 Waste Reduction and Recycling	
B.1.b.	Policy 807 Health & Safety	
B.1.c.	Policy 711 Video Recording on School Buses	
B.1.d.	Policy 712 Video Surveillance Other Than On Buses	
B.2.	First Reading of Policies	
B.2.a.	Policy 201 Legal Status of the School Board	<b>Presenter:</b> Dr. Kim Hiel
B.2.b.	Policy 202 School Board Officers	<b>Presenter:</b> Dr. Kim Hiel
B.2.c.	Policy 804 Information Security	<b>Presenter:</b> Barbie Roessler
B.2.d.	Policy 524 Internet Acceptable Use and Safety Policy	<b>Presenter:</b> Dr. Jason Bodey
B.3.	MSBA Policy Technical Revisions - Chapter 260E Reorganization	<b>Presenter:</b> Dr. Kim Hiel
B.3.a.	Policy 206 Public Participation	<b>Presenter:</b> Dr. Kim Hiel
B.3.b.	Policy 211 Criminal or Civil Action	<b>Presenter:</b> Dr. Kim Hiel
B.3.c.	Policy 414 Mandated Reporting of Child Neglect	<b>Presenter:</b> Dr. Kim Hiel
B.3.d.	Policy 423 Employee Student Relations	<b>Presenter:</b> Dr. Kim Hiel
B.3.e.	Policy 519 Interviews of Students by Outside Agencies	<b>Presenter:</b> Dr. Kim Hiel
B.3.f.	Policy 532 Use of Peace Officers and Crisis Teams	<b>Presenter:</b> Dr. Kim Hiel
C.	<b><u>OVERSIGHT OF OPERATIONS</u></b>	
C.1.	Legal, Staffing and Personnel Update	<b>Presenter:</b> S. Ike Isaacson
C.1.a.	New Contracts, Amendments, Leaves of Absence, Terminations, Resignations, and Retirements	
C.1.b.	2021-2023 Nutritional Services Master Agreement	
C.2.	Finance and Operations Update	<b>Presenter:</b> Barbie Roessler
C.2.a.	Long Term Facilities Maintenance 10 Year Plan Revision	

C.2.b. 2021-22 Budget Revision

C.2.c. Award and Contract for FHS Loading Dock Project

C.3. Partnership Updates

C.3.a. Association of Metropolitan School Districts Meeting Held on March 4, 2022

**Presenter:** Ross Meisner

D. **INFORMATIONAL ITEMS**

D.1. Board Scholarship - Class of 2022

**Presenter:** Ross Meisner

D.2. Equity & Inclusion

**Presenter:** Suzan Samaha

D.2.a. Student Film Introduction

D.3. Student Mental Health Presentation

**Presenter:** Student Representative - Mirkeni Ahmed

D.4. District Update

**Presenter:** Dr. Kim Hiel

D.5. At the Next Work Session

**Presenter:** Dr. Kim Hiel

E. **PUBLIC FORUM**

**Presenter:** Ross Meisner



# FRIDLEY PUBLIC SCHOOLS

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Fridley Public Schools Policies Presented for Second Reading  
March 15, 2022

#	Policy Name	Change/Revision
805	Waste Reduction and Recycling	Added MN statute references  Removed use of more than two colored inks
807	Health & Safety	Added laws, rules to II.C.
711	NEW – Video Recording on Buses	New policy
712	NEW – Video Surveillance Other Than On Buses	New policy

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## **805 WASTE REDUCTION AND RECYCLING**

### **I. PURPOSE**

The purpose of this policy is to establish a resource recovery program to promote the reduction of waste, the separation and recovery of recyclable and reusable commodities, the procurement of recyclable commodities and commodities containing recycled materials, the disposition of waste materials and surplus property and the establishment of a program of education to develop an awareness of environmentally sound waste management. (Minn. Stat. § 115A.15, Subd. 1)

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

It is the policy of the school district to comply with all state laws relating to waste management and to make resource conservation an integral part of the physical operations and curriculum of the school district.

### **III. DEFINITIONS**

- A. “Lamp recycling facility” means a facility operated to remove, recover, and recycle for reuse mercury or other hazardous materials from fluorescent or high intensity discharge lamps. (Minn. Stat. § 116.93, Subd. 1)
- B. “Mixed solid waste” means garbage, refuse, source-separated compostable materials and other solid waste but does not include auto hulks, street sweepings, ash, construction debris, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters and other materials collected, processed, and disposed of as separate waste materials. (Minn. Stat. § 115A.03, Subd. 21)
- C. “Packaging” means a container and any appurtenant material that provides a means of transporting, marketing, protecting, or handling a product and includes pallets and packing such as blocking, bracing, cushioning, weatherproofing, strapping, coatings, closures, inks, dyes, pigments, and labels. (Minn. Stat. § 115A.03, Subd. 22b)
- D. “Post-consumer materials” means a finished material that would normally be discarded as a solid waste having completed its life cycle as a consumer item. (Minn. Stat. § 115A.03, Subd. 24b)
- E. “Rechargeable battery” means a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery, except certain dry cell batteries or a battery exempted by the Commissioner of the Pollution Control Agency (PCA) (Commissioner). (Minn. Stat. § 115A.9157)

- F. “Recyclable commodities” means materials, pieces of equipment, and parts which are not reusable but which contain recoverable resources. (Minn. Stat. § 115A.15, Subd. 1a(a))
- G. “Recyclable materials” means materials that are separated from mixed solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, and source-separated compostable materials. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material. (Minn. Stat. § 115A.03, Subd. 25a)
- H. “Recycling” means the process of collecting and preparing recyclable materials and reusing the materials in their original form that do not cause the destruction of recyclable materials in a manner that precludes further use. (Minn. Stat. § 115A.03, Subd. 25b)
- I. “Resource conservation” means the reduction in the use of water, energy and raw materials. (Minn. Stat. § 115A.03, Subd. 26a)
- J. “Reusable commodities” means materials, pieces of equipment, parts, and used supplies which can be reused for their original purpose in their existing condition. (Minn. Stat. § 115A.15, Subd. 1a(b))
- K. “Source-separated compostable materials” means mixed solid waste that is:
1. separated at the source by waste generators for the purpose of preparing it for use as compost;
  2. collected separately from other mixed municipal solid wastes;
  3. comprised of food wastes, fish and animal waste, plant materials;
  4. delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the agency’s class I or class II, or equivalent, compost standards and where process residues do not exceed 15 percent by weight of the total material delivered to the facility;
  5. may be delivered to a transfer station, mixed municipal solid waste processing facility, or recycling facility only for the purposes of composting or transfer to a composting facility, unless the Commissioner determines that no other person is willing to accept the materials.
- (Minn. Stat. § 115A.03, Subd. 32a)

- L. “Waste reduction” means an activity that prevents generation of waste or the inclusion of toxic materials in waste, including:
1. reusing the product in its original form;
  2. increasing the life span of a product;
  3. reducing material or the toxicity of material used in production or packaging; or
  4. changing procurement, consumption, or waste generation habits to result in smaller quantities or lower toxicity of waste generated.
- (Minn. Stat. § 115A.03, Subd. 36b)

#### **IV. WASTE DISPOSAL PROCEDURES**

- A. The school district will attempt to decrease the amount of waste consumable materials by:
1. reduction of the consumption of consumable materials whenever practicable;
  2. full utilization of materials prior to disposal;
  3. minimization of the use of non-biodegradable products whenever practicable.
- B. Each school district facility will have containers for at least three of the following recyclable materials: paper, glass, plastic and metal. (Minn. Stat. § 115A.151)
- C. The school district will transfer all recyclable materials collected to a recycler and, to the extent practicable, cooperate with, and participate in, recycling efforts being made by the city and/or county where the school district is located. (Minn. Stat. § 115A.151)
- D. Prior to entering into a contract for the management of mixed solid waste, the school district will determine whether the disposal method provided for in the contract is equal to or better than the waste management practices currently employed in the county or district plan in the county where the school district is located and whether the contract is consistent with the solid waste plan. If the waste management method provided for in the contract is ranked lower than the waste management practices employed by the county or district, the school district will:

1. determine the potential liability to the school district and its taxpayers for managing waste in this manner;
2. develop and implement a plan for managing the potential liability; and
3. submit the information in (1) and (2) above to the Minnesota Pollution Control Agency.

If the contract is inconsistent with the county plan or if the school district's waste management activities are inconsistent with the county plan, the school district should obtain the consent of the district prior to entering into a binding contract or developing or implementing inconsistent solid waste management activities. (Minn. Stat. § 115A.46, Subd. 5; Minn. Stat. § 115A.471; Minn. Stat. § 458D.07, Subd. 4)

- E. The school district may not knowingly place motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or motor vehicle antifreeze (other than small amounts of antifreeze contained in water used to flush the cooling system of a vehicle after the antifreeze has been drained and does not include de-icer that has been used on the exterior of a vehicle) in or on:
1. solid waste or solid waste management facilities other than a recycling facility or household hazardous waste collection facility;
  2. the land unless approved by the Minnesota Pollution Control Agency; or
  3. the waters of the state, an individual sewage treatment system, or in a storm water or waste water collection or treatment system unless:
    - a. permitted to do so by the operator of the system and the Minnesota Pollution Control Agency;
    - b. the school district generates an annual average of less than 50 gallons of waste motor vehicle antifreeze per month; and
    - c. the school district keeps records of the amount of waste antifreeze generated, maintains these records on site and makes the records available for inspection for a minimum of three years following generation of the waste antifreeze.

(Minn. Stat. § 115A.916)

- F. The school district may not place mercury or a thermostat, thermometer, electric switch, appliance, gauge, medical or scientific instrument, fluorescent or high-

intensity discharge lamp, electric relay, or other electrical device from which the mercury has not been removed for reuse or recycling:

1. in solid waste; or
2. in a wastewater disposal system.  
(Minn. Stat. § 115A.932, Subd. 1(a))

G. The school district may not knowingly place mercury or a thermostat, thermometer, electric switch, appliance, gauge, medical or scientific instrument, fluorescent or high-intensity discharge lamp, electric relay, or other electrical device from which the mercury has not been removed for reuse or recycling:

1. in a solid waste processing facility; or
2. in a solid waste disposal facility.  
(Minn. Stat. § 115A.932, Subd. 1(b))

H. The school district will recycle a fluorescent or high-intensity discharge lamp by delivery of the lamp to a lamp recycling facility or to a facility that collects and stores lamps for the purpose of delivering them to a lamp recycling facility, including, but not limited to, a household hazardous waste collection or recycling facility, retailer take-back and utility provider program sites, or other sites designated by an electric utility under Minn. Stat. § 216B.241, Subds. 2 and 4.  
(Minn. Stat. § 115A.932, Subd. 1(c))

I. The school district may not place a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery. The school district also may not place in mixed municipal solid waste a dry cell battery containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead-acid that was purchased for use or used by the school district. The school district also may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a non-removable rechargeable battery, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed. (Minn. Stat. § 115A.915; Minn. Stat. § 115A.9155, Subd. 1; Minn. Stat. § 115A.9157, Subd. 2)

J. The school district may not place yard waste:

1. in mixed municipal solid waste;
2. in a disposal facility;
3. in a resource recovery facility, except for the purposes of reuse, composting, or co-composting; or

4. in a plastic bag unless exempt as specified in Minn. Stat. §115A.931(c), (d), or (e).  
(Minn. Stat. § 115A.931)

K. The school district may not place a telephone directory:

1. in solid waste;
2. in a disposal facility; or
3. in a resource recovery facility, except a recycling facility.  
(Minn. Stat. § 115A.951, Subd. 2)

L. The school district may not:

1. place major appliances in mixed municipal solid waste; or
2. dispose of major appliances in or on the land or in a solid waste processing or disposal facility.  
(Minn. Stat. § 115A.9561)

M. The school district may not place in mixed municipal solid waste an electronic product containing a cathode-ray tube. (Minn. Stat. § 115A.9565)

N. The school district, on its own or in cooperation with others, may implement a program to collect, process, or dispose of household batteries. The school district may provide financial incentives to any person, including public or private civic groups, to collect the batteries. (Minn. Stat. § 115A.961, Subd. 3)

## V. PROCUREMENT OF RECYCLED COMMODITIES AND MATERIALS

A. When practicable and when the price of recycled materials does not exceed the price of non-recycled materials by more than ten percent, the school district may purchase recycled materials. In order to maximize the quantity and quality of recycled materials purchased, the school district may also use other appropriate procedures to acquire recycled materials at the most economical cost to the school district. (Minn. Stat. § 16C.073, Subd.3(a))

B. When purchasing commodities and services, the school district will apply and promote waste management practices with special emphasis on the reduction of the quantity and toxicity of materials in waste. (Minn. Stat. § 16C.073, Subd. 3(b))

C. Whenever practicable, the school district will:

1. purchase uncoated office paper and printing paper unless the coated paper is made with at least 50 percent post-consumer material;
  2. purchase recycled content paper with at least ten percent post-consumer material by weight and copier paper that contains at least ten percent post-consumer material by weight;
  3. purchase paper which has not been dyed with colors, excluding pastel colors;
  4. purchase recycled content paper that is manufactured using little or no chlorine bleach or chlorine derivatives;
  5. use reusable binding materials or staples and bind documents by methods that do not use glue;
  6. use soy-based inks;
  7. purchase printer or duplication cartridges that:
    - a. Have 10 percent post-consumer material; or
    - b. Are purchased as remanufactured; or
    - c. Are backed by a vendor-offered program that will take back the printer cartridges after their useful life, ensure that the cartridges are recycled, and comply with the definition of recycling in Minn. Stat. § 115A.03, Subd. 25b;
  8. produce reports, publications and periodicals that are readily recyclable;
  9. print documents on both sides of the paper where commonly accepted publishing practices allow; and
  10. purchase copier paper that contains at least ten percent post-consumer material by fiber content.  
(Minn. Stat. § 16C.073, Subd. 2)
- D. After July 1, 1998, the school district may not use a specified product included on the prohibited products list published in the State Register. (Minn. Stat. § 115A.9651)

- E. In developing bid specifications, the school district will consider the extent to which a commodity or product is durable, reusable or recyclable, and marketable through applicable local or regional recycling programs and the extent to which the commodity or product contains post-consumer material. (Minn. Stat. § 16C.073, Subd. 3(b))
- F. When a project involves the replacement of carpeting, the school district may require all persons who wish to bid on the project to designate a carpet recycling company in their bids. (Minn. Stat. § 16C.073, Subd. 3(b))

## **VI. OTHER**

It is the policy of the school district to actively advocate, where appropriate, for resource conservation practices to be adopted at the local, regional and state levels.

### ***Legal References:***

Minn. Stat. § 16C.073 (Purchase and Use of Paper Stock; Printing)  
Minn. Stat. § 115A.03 (Definitions)  
Minn. Stat. § 115A.15 (State Government Resource Recovery)  
Minn. Stat. § 115A.151 (State and Local Facilities)  
Minn. Stat. § 115A.46 (Requirements)  
Minn. Stat. § 115A.471 (Public Entities; Management of Solid Waste)  
Minn. Stat. § 115A.915 (Lead Acid Batteries; Land Disposal Prohibited)  
Minn. Stat. § 115A.9155 (Disposal of Certain Dry Cell Batteries)  
Minn. Stat. § 115A.9157 (Rechargeable Batteries and Products)  
Minn. Stat. § 115A.916 (Motor Vehicle Fluids and Filters; Prohibitions)  
Minn. Stat. § 115A.931 (Yard Waste Prohibition)  
Minn. Stat. § 115A.932 (Mercury Prohibition)  
Minn. Stat. § 115A.951 (Telephone Directories)  
Minn. Stat. § 115A.9561 (Major Appliances)  
Minn. Stat. § 115A.9565 (Cathode-Ray Tube Prohibition)  
Minn. Stat. § 115A.961, Subd. 3 (Household Batteries; Collection, Processing, and Disposal)  
Minn. Stat. § 115A.9651 (Listed Metals in Specified Products, Enforcement)  
Minn. Stat. § 116.93, Subd. 1 (Lamp Recycling Facilities)  
Minn. Stat. § 216B.241, Subds. 2 and 4 (Energy Conservation Improvement)  
Minn. Stat. § 458D.07 (Sewage Collection and Disposal)  
National Solid Waste Management Ass'n v. Williams, et al., 966 F. Supp. 844, (D.Minn. 1997),

### ***School Board Action:***

Adopted September 19, 2000  
Revised as Policy 805 June 18, 2002  
Revised July 15, 2008  
Revised August 22, 2012  
Revised July 18, 2017



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Revised November 20, 2018

Revised March 15, 2022

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Second Reading



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## 807 Health and Safety Policy

### I. General Statement of Policy

It is the policy of Fridley Public Schools to provide a safe and healthy environment for its staff, students and visitors. Safety and health protection will be an integral part of all operations.

### II. Health and Safety Goals

The District will establish a Health and Safety program with the following goals:

- A. Promote employee involvement in safety and health;
- B. Reduce the number of injuries at each school; and
- C. Comply with occupational safety and health laws, rules, and regulations.

### III. Program and Plans

A. For the purpose of implementing this policy, the administration will, within the budgetary limitations adopted by the school board, implement a health and safety program that includes specific plan requirements in various areas as identified by the health and safety advisory committee. Areas that may be considered include, but are not limited to, the following:

1. Asbestos
2. Fire and Life Safety
3. Employee Right to Know
4. Emergency Action Planning
5. Combustible and Hazardous Materials Storage
6. Indoor Air Quality
7. Mechanical Ventilation
8. Mold Cleanup and Abatement
9. Accident and Injury Reduction Program: Model AWAIR Program for Minnesota Schools
10. Infectious Waste/Bloodborne Pathogens
11. Community Right to Know
12. Compressed Gas Safety
13. Confined Space Standard
14. Electrical Safety
15. First Aid/CPR/AED
16. Food Safety Inspection

17. Forklift Safety
18. Hazardous Waste
19. Hearing Conservation
20. Hoist/Lift/Elevator Safety
21. Integrated Pest Management
22. Laboratory Safety Standard/Chemical Hygiene Plan
23. Lead
24. Control of Hazardous Energy Sources (Lockout/Tagout)
25. Machine Guarding
26. Safety Committee
27. Personal Protection Equipment (PPE)
28. Playground Safety
29. Radon
30. Respiratory Protection
31. Underground and Above Ground Storage Tanks
32. Welding/Cutting/Brazing
33. Fall Protection
34. National Emission Standards for Hazardous Air Pollutants for School Generators established by the United States E.P.A.
35. Other areas determined to be appropriate by the health and safety advisory committee.

If a risk is not present in the school district, the preparation of a plan or procedure for that risk will not be necessary.

- B. The administration shall establish procedures to ensure, to the extent practicable, that all employees are properly trained and instructed in job procedures, crisis response duties, and emergency response actions where exposure or possible exposure to hazards and potential hazards may occur.
- C. The administration shall conduct or arrange safety inspections and drills. Any identified hazards, unsafe conditions, or unsafe practices will be documented and corrective action taken to the extent practicable to control that hazard, unsafe condition, or unsafe practice.
- D. Communication from employees regarding hazards, unsafe or potentially unsafe working conditions, and unsafe or potentially unsafe practices is encouraged in either written or oral form. No employee will be retaliated against for reporting hazards or unsafe or potentially unsafe working conditions or practices.
- E. The administration shall conduct periodic workplace inspections to identify potential hazards and safety concerns.
- F. In the event of an accident or a near miss, the school district shall promptly cause an accident investigation to be conducted in order to determine the cause of the incident and



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to take action to prevent a similar incident. All accidents and near misses must be reported to an immediate supervisor as soon as possible.

#### **IV. Enforcement**

Enforcement of this policy is necessary for the goals of the school district's health and safety program to be achieved. Within applicable budget limitations, school district employees will be trained and receive periodic reviews of safety practices and procedures, focusing on areas that directly affect the employees' job duties. Employees shall participate in practice drills. Willful violations of safe work practices may result in disciplinary action in accordance with applicable school district policies.

#### **Legal References:**

Minn. Stat. § 123B.56 (Health, Safety, and Environmental Management)

Minn. Stat. § 123B.57 (Capital Expenditure; Health and Safety)

Minn. Stat. § 182.676 (Safety Committees)

Minn. Rules Part 5208.0010 (Applicability)

Minn. Rules Part 5208.0070 (Alternative Forms of Committee)

#### **Cross References:**

MSBA/MASA Model Policy 407 (Employee Right to Know - Exposure to Hazardous Substances)

MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)

MSBA/MASA Model Policy 806 (Crisis Management Policy)

#### **School Board Action:**

Adopted as Policy 807 Health and Safety March 20, 2012

Revised May 21, 2019

Revised March 15, 2022



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## 711 VIDEO RECORDING ON BUSES

### I. PURPOSE

The transportation of students to and from school is an important function of the school district, and transportation by the school district is a privilege and not a right for an eligible student. The behavior of students, ~~and employees~~, contracted staff, and others on the bus is a significant factor in the safety and efficiency of school bus transportation. ~~Student and employee m~~Misbehavior increases the potential risks of injury. Therefore, the school district believes that video recording ~~student passengers and employees~~ those on the school bus will encourage good behavior and, as a result, promote safety. The purpose of this policy is to establish a school bus video recording system.

### II. GENERAL STATEMENT OF POLICY

#### A. Placement

1. Each and every school bus owned, leased, contracted, and/or operated by the school district shall be equipped with a fully enclosed box for placement and operation of a video camera and conspicuously placed signs notifying riders that their conversations or actions may be recorded.
2. A video camera will not necessarily be installed in each and every school bus owned, leased, contracted, and/or operated by the school district, but cameras may be rotated from bus to bus without prior notice to students.
3. Video cameras will be placed on a particular school bus, to the extent possible, where the school district has received complaints of inappropriate behavior.

#### B. Use of Video Recordings

1. A video recording of the actions of student passengers and/or employees may be used by the school district as evidence in any disciplinary action brought against any student or employee arising out of the student's or employee's conduct on the bus.
2. A video recording will be released only in conformance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 and the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g and the rules and/or regulations promulgated thereunder.
3. Video recordings will be viewed by school district personnel on a random basis and/or when discipline problems on the bus have been brought to the attention of the school district.



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4. A video recording will be retained by the school district until relooped or until the conclusion of disciplinary proceedings in which the video recording is used for evidence.

***Legal References:***

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.585 (Notice of Recording Device)  
Minn. Stat. § 138.17 (Government Records; Administration)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)

***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 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA Service Manual, Chapter 2, Transportation

***School Board Action:***

Adopted as Policy 711 Video Recording on Buses March 15, 2022



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## 712 VIDEO SURVEILLANCE OTHER THAN ON BUSES

### I. PURPOSE

Maintaining the health, welfare, and safety of students, staff, and visitors while on school district property and the protection of school district property are important functions of the school district. The behavior of individuals who come on to school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school district property. The school board recognizes the value of video/electronic surveillance systems in monitoring activity on school property in furtherance of protecting the health, welfare, and safety of students, staff, visitors, and school district property.

### II. GENERAL STATEMENT OF POLICY

#### A. Placement

1. School district buildings and grounds may be equipped with video cameras.
2. Video surveillance may occur in any school district building or on any school district property.

#### B. Use of Video Recordings

1. Video recordings will be viewed by school district personnel on a random basis and/or when problems have been brought to the attention of the school district.
2. A video recording of the actions of students and/or employees may be used by the school district as evidence in any disciplinary action brought against any student or employee arising out of the student's or employee's conduct in school district buildings or on school grounds.
3. A video recording will be released only in conformance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and the rules and/or regulations promulgated thereunder.

#### C. Security and Maintenance

1. The school district shall establish appropriate security safeguards to ensure that video recordings are maintained and stored in conformance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and the



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rules and/or regulations promulgated thereunder.

2. The school district shall ensure that video recordings are retained in accordance with the school district's records retention schedule.

***Legal References:***

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.585 (Notice of Recording Device)  
Minn. Stat. § 138.17 (Government Records; Administration)  
Minn. Stat. § 609.746 (Interference with Privacy)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)

***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 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA Service Manual, Chapter 2, Transportation

***School Board Action:***

Adopted as Policy 712 Video Surveillance Other Than On Buses March 15, 2022

## 201 Legal Status of the School Board

### I. Purpose

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

### II. General Statement of Policy

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

### III. Organization and Membership

- A. The membership of the School Board consists of six elected directors. The term of office is four years.
- B. There may be other ex officio members of the School Board as provided by law. There is one ex-officio member; the superintendent is an ex officio member.
- C. A majority of voting members constitutes a quorum. The act of the majority of a quorum is the act of the School Board.

### IV. Powers and Duties

- A. The School Board has powers and duties specified by statute. The School Board's authority includes implied powers in addition to specific powers granted by the legislature.
- B. The School Board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.

- C. The School Board shall superintend and manage the schools and buildings of the school district by employing a superintendent of schools; evaluate the work performance of the superintendent; adopt rules for the district organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts.
- D. The School Board shall have the general charge of the business of the school district, its facilities and property, and of the interest of the schools.
- E. The School Board, among other duties, shall perform the following in accordance with applicable law:
1. Provide by levy of tax, necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the school district;
  2. Conduct the business of the schools and pay indebtedness and proper expenses;
  - ~~3. Make and authorize contracts;~~
  - ~~4.3.~~Employ and contract with necessary qualified administrators and teachers and discharge the same for cause;
  - ~~5.4.~~~~Manage the schools;~~ ~~a~~Adopt rules for their organization, ~~government, and instruction;~~ prescribe ~~textbooks~~ ~~programs~~ and courses of study; ~~and make and authorize contracts;~~
  - ~~6.5.~~Provide services to promote the health of its pupils;
  - ~~7.6.~~Provide school buildings and erect needed buildings;
  - ~~8.7.~~Purchase, sell, and exchange school district property and equipment as deemed necessary by the School Board for school purposes;
  - ~~9.8.~~Provide for payment of claims against the school district, and prosecute and defend actions by or against the school district, in all proper cases;
  - ~~10.9.~~ Employ and discharge necessary employees and contract for other services;
  - ~~11.10.~~ Provide for transportation of pupils to and from school, as governed by statute; and
  - ~~12.11.~~ Procure insurance against liability of the school district, its officers and employees.

The School Board, at its discretion, may perform the following:

1. Provide library facilities, public evening schools, adult and continuing education programs, summer school programs and intersession classes of flexible school year programs;
2. Furnish school ~~lunches~~ ~~meals~~ for pupils and teachers on such terms as the School Board determines;
3. Enter into agreements with one or more other independent school districts to provide for agreed upon educational services;
4. Lease rooms or buildings for school purposes;



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5. Authorize the use of school facilities for community purposes that will not interfere with their use for school purposes;
6. Authorize co-curricular and extracurricular activities;
7. Receive, for the benefit of the school district, bequests, donations, or gifts for any proper purpose;
8. Provide for evaluation of school programs; and
9. Perform other acts as the School Board shall deem to be reasonably necessary or required for the governance of the schools.

***Legal References:***

Minn. Stat. 123.33 (School Board Powers)

Minn. Stat. 123.34 (School District Officers)

Minn. Stat. 123.35 (General Powers)

Minn. Stat. 123.351 (Cooperative Centers)

Minn. Stat. 123.36 (Schoolhouses and Sites; Access for Non-curricular Purposes)

Minn. Stat. 123.38 (Co-curricular and Extracurricular Activities; Insurance)

Minn. Stat. 123.40 (Specific powers and duties)

Minn. Stat. 123.41 (Liability insurance)

Minn. Stat. 123.77, Subd. 4 (definition)

Jensen v. Indep. Consol. Sch. Dist. No. 85, 160 Minn. 233, 199 N.W. 911 (1924)

***School Board Action:***

Adopted as Policies 4.100, 4.200, 4.201, 4.203

Revised as Policy 201 December 21, 1999

## 202 School Board Officers

### I. Purpose

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

### II. General Statement of Policy

- A. The School Board shall meet annually and organize by selecting a chair, a vice-chair, a clerk, a treasurer and such other officers as determined by the School Board.
- B. The School Board shall appoint a superintendent who shall be an ex officio, non-voting member of the School Board.

### III. Organization

The School Board shall hold an organizational meeting each year on the first Monday in January, or as soon thereafter as practicable, and organize by selecting a chair, a vice-chair, a clerk, a treasurer, and such other officers as determined by the School Board. These officers shall hold office for one year and until their successors are elected and qualify.

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

### IV. Officer's Responsibilities

#### A. Chair

The Chair has the following duties and responsibilities:

1. The chair when present shall preside at all meetings of the School Board, countersign all orders upon the treasurer for claims allowed by the School Board, represent the school district in all actions and perform all duties a chair usually performs.
2. In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the School Board to be paid, the chair may draw the orders, or the office of the clerk may be declared vacant by a majority vote of the School Board and filled by appointment.

3. Provide leadership to the Board and ensures the faithful execution of the Board's processes, exercises interpretive responsibilities with integrity, reflect the spirit and intent of the Board's policies.
4. Monitor Board actions to assure they are consistent with the Board's own rules and policies and with other obligations imposed by agencies whose authority supersedes the board's own authority.
5. Conduct Board meetings using the authority normally vested in the Chair as described in Minnesota Statute and Robert's Rules of Order.
6. Ensure that deliberations are fair, open, productive, efficient and orderly and that only Board matters are discussed.
7. Lead periodic Board self-assessments to ensure continuous process improvement.
8. Facilitate the annual transition of Board officers.
9. Make interpretive decisions of Board policies using reasonable judgment.
10. Compile and facilitate the Board's annual evaluation of the Superintendent.
11. Represent the Board as its official spokesperson about issues decided by the Board and other matters related to official board business.
12. Delegate authority, when appropriate, to other Board members.
13. Execute all documents authorized by the Board, except as otherwise provided by law or board action.
14. Take into consideration agenda items proposed by Board members, works in collaboration with the Superintendent to develop proposed Board meeting agendas consistent with the Board's annual calendar.

**B. Vice-Chair**

The Vice-Chair has the following authority and duties:

1. Serve, with all the power and duties, in the absence of the Chair.
2. Assist Chair as requested in the execution of Chair responsibilities.

### **C. Treasurer**

The Treasurer, in collaboration with the Director of Finance and Operations, has the following authority and duties:

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

### **D. Clerk**

The Clerk, in collaboration with the Administration staff, has the following authority and duties:

1. The clerk shall keep a record of all meetings in the books provided.
2. Within three days after an election, the clerk shall notify all persons elected of their election.
3. On or before September 15 of each year, the clerk shall:
  - a) File with the School Board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year.
  - b) Make and transmit to the commissioner certified reports, showing:
    - (1) Revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;
    - (2) Length of school term and enrollment and attendance by grades; and
    - (3) Other items of information as called for by the commissioner.
4. The clerk shall enter into the clerk's record book copies of all reports and of the teachers' term reports, and of the proceedings of any meeting, and keep an itemized account of all expenses of the school district.

5. The clerk shall furnish to the county auditor, on or before September 30 of each year, an attested copy of the clerk's record, showing the proposed property tax voted by the school district or the School Board for school purposes.
6. The clerk shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the School Board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair.
7. The clerk shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.
8. The clerk shall perform the duties of the chair in the event of the chair's and the vice-chair's temporary absences.
9. The School Board shall designate the duties of Clerk to a School District employee.

#### **E. Individual Board Members**

1. Individual Board Members are not authorized to exercise any authority as an individual to supervise or direct the Superintendent or staff. The Board speaks and acts as a single voice after discussion on issues involving the district, not as individuals.

#### **F. Superintendent**

1. The superintendent shall be an ex officio, non-voting member of the School Board.
2. The superintendent shall perform the following:
  - a) Manage the implementation of School Board policies;
  - b) Visit and supervise the schools in the school district, report and make recommendations about their condition when advisable or on request by the School Board;
  - c) Recommend to the School Board employment and dismissal of administrators, teachers, and all other employees;
  - d) Annually evaluate each school principal assigned responsibility for supervising a school building within the district;
  - e) Oversee school grading practices and examinations for promotions;



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- f) Make reports required by the commissioner;
- g) Attend all meetings of the School Board;
- h) Perform other duties prescribed by the School Board.

***Legal References:***

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

***Cross References:***

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

***SCHOOL BOARD ACTION:***

Adopted December 21, 1999  
Revised August 17, 2010  
Revised July 17, 2012  
Revised April 16, 2019

## 804 Information Security

### I. Purpose

The purpose of this policy is to maintain an information security practice for the District.

### II. General Statement of Policy

The District has a cybersecurity program which maintains appropriate levels of access to District information through technological systems and practices. Data security practices apply to all District employees and for all District operations and activities. Unauthorized access, use, transfer, distribution, compromise or change of District data by any employee, student, or any other individual, may result in disciplinary action, which may include a recommendation for termination and other legal action.

### III. Requirement

In order to effectively implement this policy, the Superintendent, or designee, will:

1. Implement standards and procedures to effectively manage and provide necessary access to District data, while at the same time ensuring the confidentiality, integrity, and availability of the information. This policy relates to the use of and access to Fridley Public Schools' computing, network resources and data. All relevant elements in the District's Acceptable Use Policy and other related policies apply.
2. Maintain an information security program based on risk assessment that follows relevant best practices in the field of information security. This includes having developed a Fridley Incident Response Plan (FIRP) in the case it may be needed. Included in the FIRP will be procedures for the appropriate notification of individuals should the District experience a data incident.
3. Provide a structured and consistent process for employees, students and guardians to obtain necessary data access for conducting Fridley Public Schools operations.
4. Provide processes for evaluating and vetting software that interfaces with District data, including processes for evaluating third parties and their security practices.
5. The Director of Technology will assume the role of District Data Security Officer having responsibilities and authority to enforce the Information Security Policy and procedures.

## IV. Scope

1. These security processes and procedures apply to information found in or converted to a digital format.
2. Security processes and procedures apply to all employees, contract workers, volunteers, and visitors to the Fridley Public Schools and all data used to conduct operations of the District.
3. Security processes and procedures apply to District data accessed from any location; internal, external, or remote.
4. Security processes and procedures apply to the transfer of any District data inside or outside the District for any purpose.

## V. Guiding Principles

1. The Superintendent, or designee, shall determine appropriate access permissions.
2. Data users are granted data access privileges commensurate with their role and work responsibilities and are responsible for their actions while using these privileges. That is, all schools or other facilities are responsible for the District data they access, create, modify, and/or delete.
3. Any individual granted access to District data is responsible for the ethical use of that data. Access will be granted only in accordance with the authority delegated to the individual to conduct Fridley Public Schools functions.
4. It is the express responsibility of authorized users to safeguard the data they are entrusted with, their credentials, and comply with all aspects of this policy and additional related District policies and/or procedures.
5. These security measures apply to District data regardless of location. Users who transfer or transport District data “off-campus” for any reason must ensure that they are able to comply with appropriate data security measures prior to transporting or transferring the data.

### **Cross References:**

Policy #515 – Protection and Privacy of Student Records

Policy #524 – Internet Acceptable Use Policy

Policy #806 – Crisis Management Policy

### **Legal References:**

20 U.S.C. Sec. 1232g et. Seq. (Family Educational Rights and Privacy Act) Minn.

Stat. Ch. 13 (Minnesota Government Data Practices Act)

### ***Approved:***

## 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 user (student, staff, and community members) 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 users 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, professional or career development activities, and limited high-quality, self-discovery 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. **While not an exhaustive list, the following uses of the school district system and Internet resources or accounts are considered unacceptable:**

~~The unacceptable uses of the school district system and Internet resources or accounts include, but are not limited to the following:~~

1. Users will not use the school district system to access, review, copy, 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, pornographic, obscene 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, copy, 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 system's security, 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 be designated as directory information in accordance with Policy 515; or
    - 2) such information is not classified by the school district as directory information by 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.

Users will not utilize the school district system to access, maintain, or post information to personal accounts on public social network sites. Definition: A social network site is a web-based service that allows users to construct a public or semi-public profile within an established system and navigate a list of other users with whom they share a connection within the system to form a virtual community.

They include, but are not limited to, social networks such as "Facebook," "Twitter," "Instagram," "Snapchat," "TikTok," "Reddit," and similar websites or applications.

c.

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.

10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district's Bullying Prohibition Policy (Bullying Prohibition Policy 514). This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. The school district has a special interest in regulating off-campus speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others. 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 may include, but are not limited to, serious or severe bullying or harassment targeting particular individuals, threats aimed at teachers or other students, failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities, and breaches of school security devices. 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.
- ~~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 are, 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 student 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. SOCIAL MEDIA

The School Board recognizes the unique characteristics of online social media and/or networks. When social media is used in the classroom or for related school activities, teachers or the responsible District staff member(s) must ensure compliance with applicable terms of the media site and adhere to all relevant District policies and procedures.

Users should be aware that the unacceptable uses outlined in this policy as well as behavioral expectations identified in District policies apply to school-related social media use.

To ensure that there are student curriculum materials and structured learning experiences that address proper social media use and general internet safety, the Technology Director will work with media specialists and other staff members to create, modify, and continually review appropriate curriculum materials and learning experiences.

To assist employees with social media use and expectations, guidelines for employee use of online social media will be formulated from the Technology Department and attached to this policy as regulations.

## VII. FILTER

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, video, image, graphic image file, or other visual depiction that:
1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
  2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. An administrator, supervisor or other person authorized by the superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

## VIII. 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.

## IX. 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.



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- 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, e-mail files, and Internet browser history. 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.
- G. The confidentiality of electronic communications cannot be guaranteed. Electronic communication is appropriate for quick and uncomplicated messages where confidentiality is not a critical factor.

## X. 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.

## XI. 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 hard drives or cloud 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.

## XII. 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 storage, 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 Student 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.

### **XIII. 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.



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#### XIV. 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)

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. § 121 A.031 (School Student Bullying Policy)

Minn. Stat. § 125B.15 (Internet Access for Students)

Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)

*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

*United States v. American Library Association*, 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)

*Doninger v. Niehoff*, 527 F. 3d 41 (2<sup>nd</sup> Cir. 2008)

*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 86 N.W. 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)

*J.S. v. Bethlehem Area Sch. Dist.*, 807 A.2d 847 (Pa. 2002)



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***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)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Student Records)  
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)  
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)

***School Board Action:***

Adopted June 18, 2002  
Revised March 20, 2007  
Revised July 15, 2008  
Revised March 16, 2010  
Revised March 20, 2012  
Revised November 19, 2013  
Revised July 18, 2017  
Revised May 21, 2019



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## 206 Public Participation and/or Complaints about Persons at School Board Meetings and Data Privacy Considerations

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

### III. DEFINITIONS

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

- B. Personnel data on current and former employees that is "public" includes:

Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the

action, excluding data that would identify confidential sources who are employees of the public body; the complete terms of any agreement settling any dispute arising out of the employment relationship, including a buyout agreement as defined in Minn. Stat. § 123B.143, Subd.2, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; work telephone number; badge number; work-related continuing education; honors and awards received; and payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

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

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

D. "Educational data" means data maintained by the school district which relates to a student.

E. "Student" means an individual currently or formerly enrolled or registered in the school district, or applicants for enrollment, or individuals who receive shared time services.

F. Data about applicants for appointments to a public body, including a School Board, collected by the school district as a result of the applicant's application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat § 15.0597; and veteran status. Once an individual has been appointed to a public body, the following additional items of data are public: residential address; either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; the first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and, upon completion of an investigation of a complaint or charge against an appointee, the final investigative report unless access to the data would jeopardize an active investigation. Any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.



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#### IV. RIGHTS TO PRIVACY

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

#### V. RIGHTS OF THE PUBLIC

All persons have a right to an opportunity to be heard and to have complaints considered and evaluated by the School Board, within the limits of the law and this policy and subject to reasonable time, place and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. §13.43, Subd. 2 (Public data).

#### VI. PROCEDURES FOR CITIZENS

- A. Agenda Items
1. Persons who wish to have a subject discussed at a public School Board meeting are encouraged to notify the superintendent's office in advance of the School Board

- meeting. Each person should provide his or her name, address, the name of group represented (if any), and the subject to be covered or the issue to be addressed. The School Board chair will decide whether or not to include the agenda item at an upcoming meeting.
2. Persons who wish to address the School Board may do so in Public Forum.
  3. The School Board chair will recognize one speaker at a time, and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the School Board, or the proceedings may be directed to leave.
  4. The School Board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the School Board. If a group or organization wishes to address the School Board on a topic, the School Board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
  5. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the School Board in accordance with governing law.
  6. The School Board chair shall promptly rule out of order any discussion by any person, including School Board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
  7. Personal attacks by anyone addressing the School Board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the School Board.
  8. Depending upon the number of persons in attendance seeking to be heard, the School Board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient and fair opportunity for those present to be heard.
- B. Complaints
1. Complaints about an administrator, teacher or other employee should first be directed to that employee or to the employee's immediate supervisor.
  2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating

atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the superintendent.

3. Unresolved complaints from paragraph 1 of this section or problems concerning the school district should be directed to the superintendent's office.
4. Complaints which are unresolved at the superintendent's level may be brought before the School Board by notifying the School Board in writing requesting placement on the School Board agenda.

C. Hearing of Public Delegations (Non-Agenda Items)

The School Board shall normally provide a specified period of time when persons may address the School Board on any topic not on the agenda, subject to the limitations of this policy. The School Board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

D. No Board Action at Same Meeting

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

## VII. PENALTIES FOR VIOLATION OF DATA PRIVACY

- A. The school district is liable for damages, costs and attorneys' fees, and in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor. (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

***Legal References:***

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 13.43 (Personnel Data)

Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)

Minn. Stat. § 13D.05 (Meetings Having Data Classified as Public)(~~Open Meeting Law~~)



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Minn. Stat. § 121A.47, Subd. 5 (Exclusion and Expulsion Procedures; Closed or Open Meeting)(~~Student Dismissal Hearing~~)  
Minn. Stat. § 122A.33, Subd. 3 (License and Degree Exemption for Head Coach; Notice of Nonrenewal; Opportunity to Respond)(~~Coaches; Opportunity to Respond~~)  
Minn. Stat. § 122A.40, Subd. 14 (Employment; Contracts; Termination; Hearing Procedures)(~~Teacher Discharge Hearing~~)  
Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)  
Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School Districts); Employees; Contracts for Services)  
Minn. Stat. § 123B.143, Subd. 2 (Superintendents; Disclose Past Buyouts or Contract is Void)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. ~~§ 626.556~~Ch. 260E (Reporting of Maltreatment of Minors)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
Minn. Op. Atty. Gen. No. 852 (July 14, 2006)

***Cross References:***

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

***School Board Action:***

Revised Policy 4.400 September 16, 1980  
Revised as Policy 206 December 21, 1999  
Revised December 16, 2008  
Revised August 17, 2010  
Revised July 19, 2011  
Revised July 17, 2012  
Revised April 16, 2013  
Revised February 17, 2015  
Revised May 17, 2016  
Revised August 21, 2018  
Revised March 15, 2022



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## 211 Criminal or Civil Action Against School District, School Board Member, Employee or Student

### I. Purpose

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

### II. General Statement of Policy

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

### III. Civil Actions

- A. Pursuant to Minnesota Statutes section 466.07 subd.1, ~~T~~the school district shall defend and indemnify any School Board member or school district employee for damages in school-related litigation, including punitive damages, claimed or levied against the School Board member or employee, provided that ~~he or she~~the school board member or employee was acting in the performance of the duties of the position and was not guilty of malfeasance, willful neglect of duty, or bad faith.
- B. Pursuant to Minnesota Statutes Section 123B.25(b), ~~W~~with respect to teachers employed by the school district, upon written request of the teacher involved, the school district ~~shall~~must provide legal counsel for any school teacher against whom a claim is made or action is brought for recovery of damages in any tort action involving physical injury to any person or property or for wrongful death arising out of or in connection with the employment of the teacher with the school district. The school district will choose legal counsel after consultation with the teacher.



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### C. Data Practices

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

### D. Service of Subpoenas

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

### E. Leave to Testify

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

## IV. Criminal Charges or Conduct

### A. Employees

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

school district. The decision ~~as to~~ whether to reimburse shall be made in the school board's discretion ~~of the School Board~~. A School Board member who is a witness or an alleged victim in the case may not vote on the reimbursement. If a quorum of the School Board is disqualified from voting on the reimbursement, the reimbursement must be approved by a judge of the district court.

#### B. Students

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

#### C. Criminal Investigations

1. The policy of the school district is to cooperate with law enforcement officials. The school district will make all efforts, however, to encourage law enforcement officials to question students and employees outside of school hours and off school premises unless ~~there are~~ extenuating circumstances exist, ~~or~~ the matter being investigated is school-related, or as otherwise provided by law.
2. If ~~such~~ questioning at school is conducted, the school district will attempt to maintain confidentiality, to avoid embarrassment to students and employees and to avoid disruption of the educational program. The school district will attempt to notify parents of a student under age 18 that police will be questioning their child. Normally, the superintendent, principal, or other appropriate school official will be present during the interview, except as otherwise required by law (Minnesota Statutes section 260E.22-626.556, Subd. 10), or as otherwise determined in consultation with the parent or guardian.

#### D. Data Practices

The school district will release to law enforcement authorities educational and personnel data only in accordance with Minnesota Statutes chapter 13 (Minnesota Government Data Practices Act) and 20 United States Code section 1232g (FERPA).

#### V. Statement when Litigation is Pending

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



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consultation with legal counsel. School Board members and/or employees are urged to seek legal counsel when litigation is pending.

***Legal References:***

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 123B.02, Subd. 20 (Legal Counsel; Reimbursement)

Minn. Stat. § 123B.25 (b) ([Legal Actions Against Districts and Teachers](#))

[Minn. Stat. § 260E.22 \(Interviews\)](#)

Minn. Stat. 466.07, Subd. 1 (Indemnification)

20 U.S.C. 1232g (Family Educational Rights and Privacy Act)

42 U.S.C. 1983 (Civil Action for Deprivation of Rights)

Op. Atty. Gen. 169 (Minn, Mar. 7, 1963);

Op. Atty. Gen. 169 (Minn, Nov. 3, 1943).

Dypress v. School Committee of Boston, 446 N.E.2d 1099 (Mass. App. Ct. 1983);

Wood v. Strickland, 420 U.S. 308, ~~95 S.Ct. 992, 43 L.Ed.2d 214~~ (1975);

***Cross References:***

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 408 (Subpoena of a School District Employee)

MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

***School Board Action:***

Adopted as Policy 4.600 July 14, 1987

Revised as Policy 211 December 21, 1999

Revised July 19, 2011

[Revised March 15, 2022](#)

## 414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

### I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with ~~Minnesota Statute Chapter 260E-§ 626.556~~ requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. It shall be a violation of this policy for any school personnel to fail to immediately report instances of child neglect, or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.
- C. This policy reflects the mandatory law regarding reporting of maltreatment of minors and is not discretionary in nature.

### III. DEFINITIONS

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event ~~which~~that:
  1. is not likely to occur and could not have been prevented by exercise of due care; and
  2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under age 18 and, for purposes of ~~Minnesota Statute Ch. 260C (Child Protection)~~Juvenile Safety and Placement) and ~~Minnesota Statute Ch. 260D (Child in Voluntary Foster Care for Treatment)~~, includes an individual under age 21 who is in foster care pursuant to ~~Minnesota Statute § 260C.451 (Foster Care Benefits Past Age 18)~~.
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.

~~D. D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.~~

~~D.E. ”Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.~~

~~F.E.~~ “Neglect” means the commission or omission of any of the acts specified below other than by accidental means:

1. Failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child’s physical or mental health when reasonably able to do so, ~~including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;~~
2. Failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so; ~~including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;~~
3. Failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors ~~such~~ as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for ~~his or her~~ the child’s own basic needs or safety or the basic needs or safety of another child in his or her care;
4. Failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide his or her child with sympathomimetic medications;
5. Prenatal exposure to a controlled substance as defined in state law used by the mother for a non-medical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, ~~or~~ medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
6. Medical neglect as defined by Minn. Stat. § 260C.007, Subd. 6, Clause (5);

7. Chronic and severe use of alcohol or a controlled substance by a ~~parent or~~ person responsible for the care of the child that adversely affects the child's basic needs and safety; or
8. Emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

Neglect ~~does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care. does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.~~

~~G.~~ "Nonmaltreatment mistake" ~~means—occurs when~~ (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.

~~H.~~ "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

~~G.~~

~~I.G.~~ "Physical abuse" means any physical injury, mental injury (under subdivision 13), or threatened injury (under subdivision 23), inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries

or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 121A.0942 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian ~~that~~~~which~~ does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.

Actions ~~which~~~~that~~ are not reasonable and moderate include, but are not limited to, any of the following:

1. throwing, kicking, burning, biting, or cutting a child;
2. striking a child with a closed fist;
3. shaking a child under age three;
4. striking or other actions ~~which~~~~that~~ result in any non-accidental injury to a child under 18 months of age;
5. unreasonable interference with a child's breathing;
6. threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6;
7. striking a child under age one on the face or head;
8. striking a child who is at least age one but under age four on the face or head, which results in an injury;
9. purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances ~~which~~~~that~~ were not prescribed for the child by a practitioner, in order to control or punish the child, or ~~giving the child~~ other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or ~~that~~ subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
10. unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379. including, but not limited to, tying, caging, or chaining;  
or;
11. in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

- J. “Report” means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes ~~neglect or physical or sexual abuse~~maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the ~~neglect or abuse~~maltreatment, if known.
- K. “School personnel” means professional employee or professional’s delegate of the school district who provides health, educational, social, psychological, law enforcement or child care services.
- JL. “Sexual abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10), to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- M. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; (4) , or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative..
- ~~K.~~ ~~“Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.~~
- ~~L.~~ ~~“Person responsible for the child’s care” means:~~

- ~~1. an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or;~~
- ~~2. an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full time or short term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.~~

~~M. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.~~

#### IV. REPORTING PROCEDURES

- A. A mandated reporter ~~as defined herein~~ shall immediately report the information neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. ~~agency responsible for assisting or investigating maltreatment.~~ The reporter will include his or her name and address in the report.
- B. ~~If the immediate report has been made orally~~ An oral report shall be made immediately, by telephone or otherwise, ~~†~~ The oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting assessing or investigating maltreatment the report. ~~Any~~ The written report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglect maltreatment of the child if the person is known, the nature and extent of the abuse or neglect maltreatment and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guarding, or custodian of the child that an incident has occurred and may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

- D. A mandated reporter who knows or has reason to know of the deprivation of custodial or parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. ~~An employer of a mandated reporter shall not retaliate against the person for reporting in good faith maltreatment against a child with respect to whom a report is made, because of the report. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.~~
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees. ~~and the reckless~~ Knowingly or recklessly making ~~of~~ a false report also may result in discipline. ~~The court may also award attorney's fees.~~

## V. INVESTIGATION

- A. The responsibility for assessing or investigating reports of suspected ~~neglect or physical or sexual abuse maltreatment~~ rests with the appropriate state, county, ~~state,~~ or local agency or agencies. The agency responsible for assessing or investigating reports of ~~child~~ maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged ~~perpetrator/offender,~~ and any other person with knowledge of the ~~abuse or neglect/maltreatment~~ for the purpose of gathering ~~the~~ facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of the alleged offender or parent, legal guardian, ora school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the

child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property ~~will~~must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged ~~perpetrator~~offender is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged ~~perpetrator~~offender is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

## VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification



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shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.

- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

## VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

## VIII. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbooks.
- B. The school district will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

### ***Legal References:***

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)  
Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)  
Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)  
Minn. Stat. § 260C.007, Subd.6, Clause (5) (Child in Need of Protection)  
Minn. Stat. §260C.451 (Foster Care Benefits Past Age 18)  
Minn. Stat. CH. 260D (Child in Voluntary Foster Care for Treatment)  
Minn. Stat. Ch 260 E (Reporting of Maltreatment of Minors)  
Minn. Stat. § 609.02, Subd.6 (Definitions – Dangerous Weapon)  
Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)  
Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)  
Minn. Stat. § 609.379 (Reasonable Force)  
~~Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)~~  
~~Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)~~  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)



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***Cross References:***

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

***School Board Action:***

Policy 8.206 Reporting of Child Abuse 1975

Revised 1980

Revised 1983

Revised as Policy 414 February 21, 2006

Revised March 20, 2007

Revised July 15, 2008

Revised July 19, 2011

Revised February 18, 2014

Revised May 17, 2016

Revised July 18, 2017

Revised April 21, 2020

Revised March 15, 2022

Single Reading-Review



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## 423 EMPLOYEE-STUDENT RELATIONSHIPS

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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



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- G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and is inappropriate.
- H. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

### III. REPORTING AND INVESTIGATION

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

### IV. SCHOOL DISTRICT ACTION

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

### V. SCOPE OF LIABILITY

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

#### ***Legal References:***

Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)



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Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting to Professional Educator Licensing and Standards Board or Board of School Administrators)  
Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (Mandatory immediate discharge of teachers with license revocations due to child or sex abuse convictions)  
Minn. Stat. §§ 609.341-609.352 (Defining “intimate parts” and “position of authority” as well as detailing various sex offenses)  
Minn. Stat. ~~§ 626.556~~[Ch. 260E](#) (Reporting of Maltreatment of Minors)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)  
Minn. Rules Part 8710.2100 (Code of Ethics for Minnesota Teachers)

***Cross References:***

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

***School Board Action:***

Adopted January 19, 2021

Revised March 15, 2022



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## 519 Interviews of Students by Outside Agencies

### I. Purpose

There are occasions in which persons other than school district officials and employees find it necessary to speak with a student during the school day. The school board values student safety and avoiding disruptions to the educational programs of the school district. The purpose of this policy is to establish the procedures for access to students by authorized individuals during the school day.

### II. General Statement of Policy

- A. It shall be the general practice of the school district that students may not be interviewed during the school day by persons other than a student's parents, school district officials, employees and/or agents, except as otherwise provided by law and/or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, school district officials, employees and/or agents to interview students shall be made through the principal's office. Upon receiving a request, it shall be the responsibility of the principal to determine whether the request will be granted. Prior to granting a request, the principal shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.
- C. Occasionally the media may request to highlight a student. These requests shall be made to the department of communications who will review and grant or deny the request according to FERPA guidelines and parent permission through the district media release form.

### III. Interviews Conducted Under the Maltreatment of Minors Act

- A. In the case of an investigation pursuant to the [Reporting of Maltreatment of Minors Act, Minnesota Statutes Chapter 260E, Minn. Stat. 626.556, Subd. 10](#), a local welfare agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. School district officials will work with the local welfare agency, responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school district official.
- B. If the interview took place or is to take place on school district property, an order of the juvenile court pursuant to [Minn. Stat. 626.556, Subd. 10 \(e\) Minnesota Statutes](#)

- Chapter 260E may specify that school district officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school district property and/or any other related information regarding the interview that may be a part of the child's record. The school district official must receive a copy of the order from the local welfare or law enforcement agency.
- C. When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on school district property, school district officials must receive written notification of intent to interview the child on school district property prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school district property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. School district officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. Until school district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare, agency law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment.
- D. School district officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on school district premises. However, where the alleged perpetrator is believed to be a school district official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school district officials and the local welfare or law enforcement agency. However, school district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. School district officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on school district premises.
- E. Students shall not be taken from school district property without the consent of the principal and without a proper warrant.

***Legal References:***

Minn. Stat. 13.32 (Educational Data)

Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors) 626.556, Subd. 10(e) and (d)  
~~(Duties of Local Welfare Agency and Local Law enforcement agency upon receipt of a report)~~



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***Cross References:***

Policy 103 (Complaints-Students, Employees, Parents, Other Persons)

Policy 414 (Mandated Reporting of Child Neglect or physical or Sexual Abuse)

Policy 515 (Protection and Privacy of Pupil Records)

**SCHOOL BOARD ACTION:**

Adopted on June 18, 2002

Revised December 21, 2021

Revised March 15, 2022

Single Reading-Review



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## 532 Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds

### I. PURPOSE

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

### II. GENERAL STATEMENT OF POLICY

The school district is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

In general, all students, including those with IEPs, are subject to the terms of the school district's discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the school district's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

### III. DEFINITIONS

For purposes of this policy, the following terms have the meaning given them in this section:

- A. "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- B. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of

arrest. The term “peace officer” includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.

- C. “Police liaison officer” is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- D. “Crisis team” means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- E. The phrase “remove the student from school grounds” is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. “Emergency” means a situation where immediate intervention is needed to protect a child or other individual from physical injury.
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

#### **IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS**

##### **A. Removal By Crisis Team**

If the behavior of a student with an IEP escalates to the point where the student’s behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team may be summoned. The crisis team may attempt to de-escalate the student’s behavior by means including, but not limited to, those described in the student’s IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student’s behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student’s behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

##### **B. Removal By Police Liaison Officer or Peace Officer**



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If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school district reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy, Protection and Privacy of Pupil Records.

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

#### C. Reasonable Force Permitted

In removing a student with an IEP from school grounds, a school principal, other crisis team members, or the police liaison officer or other agents of the school district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

In removing a student with an IEP from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by ~~Minn. Stat. §~~[Minnesota Statutes section 121 A.58e](#);

2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses as punishment;
4. Denying or restricting a child's access to equipment and devices such as walkers, wheel chairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under ~~Minn. Stat. § 626.556~~ Minnesota Statutes Chapter 260E;
6. Physical holding (as defined in ~~Minn. Stat. §~~ Minnesota Statutes section 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
7. Withholding regularly scheduled meals or water; and/or
8. Denying a child access to toilet facilities.

#### D. Parental Notification

The building administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

#### E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIIP.

#### F. Effect of Policy in an Emergency; Use of Restrictive Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the school district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by [Minn. Stat. § Minnesota Statutes section 125 A.0942](#), Subd. 5, and otherwise comply with the requirements of § 125 A.0942.

#### G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, districts must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, districts must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

#### ***Legal References:***

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
Minn. Stat. § 121A.67, Subd. 2 (Aversive and Deprivation Procedures)  
Minn. Stat. § 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)  
Minn. Stat. § 609.06 (Authorized Use of Force)  
Minn. Stat. § 609.379 (Permitted Actions)  
20 U.S.C. 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))  
20 U.S.C. § 1415(k) (6) (Individuals with Disabilities Education Improvement Act of 2004 (IDEA))  
34 C.F.R. § 300.535 (IDEA Regulation Regarding Involvement of Law Enforcement)

#### ***Cross References***

MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment)



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MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

MSBA/MASA Model Policy 525 (Violence Prevention)

MSBA/MASA Model Policy 806 Crisis Management Policy)

***School Board Action:***

Adopted as Policy 532 March 16, 2004

Revised April 17, 2007

Revised August 16, 2011

Revised September 17, 2013

Revised June 21, 2016

Revised October 15, 2019

Revised March 15, 2022

Single Reading-Review

## Personnel Changes 2021-22 School Year

### New Contracts and Amendments per Master Agreements (2021-2022)

First Name	Last Name	Assignment	Step/Lane/Salary	School
Blair	Berger	Builders Club Advisor	Schedule C	FMS
Aaron	Cuthbert	History Day Advisor	Schedule C	FMS
Ceephas	Dean	Paraeducator	\$15.98/hour	RLS
Matthew	Engelhardt	Yearbook Advisor	Schedule C	FMS
Jason	Gehlbach	Custodian	\$16.27/hour	District
Colleen	Higgins	LTS Reading Teacher	MA+40/step 17	Hayes
Kaleb	Miller	Paraeducator	\$15.98/hour	FHS
Katherine	Morgan	Secretary to Assistant Principal	\$19.90/ hour	FMS
Robert	Sivanich	Event Worker	Schedule C	FHS
Rachel	White Robinson	Occupational Therapist	MA/Step 1	District
Caeley	Zimmer	Tiger Club Classroom Asst	\$15.01/hour	FCC

### Individual Contracts (2021-2022)

First Name	Last Name	Assignment	Step/Lane/Salary	School
Susan	Bucci	Payroll Specialist	Individual Contract	District
Sarah	Burghardt	Communications Specialist	Individual Contract	District
David	Webber	Communications Specialist	Individual Contract	District

### Lane Changes – March 2022

First Name	Last Name	Current Lane	New Lane
Madeline	Dale	MA	MA+10
Fernando	Gonzalez-Lesniak	MA+30	MA+40
Anna	Hron	MA+30	MA+40
Donna	Motlomelo	MA+30	MA+40
Daniel	Nalepka	MA+30	MA+40
Jennifer	Nalepka	MA	MA+10
Danielle	Ward	MA+10	MA+20
Mindy	Weeks	BA+10	BA+20
Mike	Wilmes	MA+30	MA+40

### Lane Changes – Per 2021-2023 FEA Master Agreement

First Name	Last Name	Current Lane	New Lane
Alissa	Blood	MA+10	MA+40
Ariel	Chang	MA+20	MA+40
Kathryn	Doll	MA+20	MA+40
Tara	Finnesgard	MA+30	MA+40
Chandra	Hanke	MA	MA+30
Jennifer	Peterson	MA	MA+40
Samantha	Schenkelberg	BA	MA+30

First Name	Last Name	Current Lane	New Lane
Emma	Smith	MA+20	MA+40

### Leaves of Absence (2021-2022)

- Laura Carpenter has requested a leave of absence from her teacher position at Stevenson Elementary from April 30, 2022 through June 10, 2022.
- Chelsea Clark has requested a leave of absence from her teacher position at Fridley Middle School from May 10, 2022 through June 10, 2022.
- Amy Cochran has requested a leave of absence from her principal position at Fridley Middle School from February 18, 2022 through March 1, 2022.
- Margaret Crenshaw has requested a leave of absence from her teacher position at Hayes Elementary School from March 28, 2022 through June 10, 2022.
- Alexa Fischer has requested a leave of absence from her teacher position at Hayes Elementary from March 28, 2022 through May 27, 2022.
- Chris Fischer has requested a leave of absence from his teacher position at Hayes Elementary from March 28, 2022 through April 8, 2022.
- Kelli Greenhalgh has requested a leave of absence from her teacher position at Fridley High School from April 26, 2022 through June 10, 2022.
- Karla Hoeschen requested a leave of absence from her occupational therapist position at Fridley Public Schools from October 25, 2021 through January 24, 2022.
- Lisa Mutch-Regge has requested a leave of absence from her paraeducator position at Fridley Middle School from February 15, 2022 through February 28, 2022.
- Eric Nielsen has requested a leave of absence from his dean position at Fridley Middle School effective March 9, 2022 through June 10, 2022.
- Charlene Romero has requested a leave of absence from her cook position at Fridley Middle School from March 28, 2022 through April 18, 2022.
- Rebecca Walber has requested a leave of absence from her teacher position at Stevenson Elementary from February 23, 2022 through May 18, 2022.

### Resignations (2021-2022)

- Joseph Morcomb has resigned his counselor position at Totino Grace High School effective June 15, 2022.

### Retirements (2021-2022)

- Lisa Cortes will retire from her teacher position at Fridley Middle School, effective June 10, 2022.
- Gail Koshiol will retire from her health aid position at Totino Grace High School, effective June 7, 2022.
- Dan Roff will retire from his Director of Activities position at Fridley Public Schools, effective June 30, 2022.

### Terminations (2021-2022)

- Alisha Bucek was probationary terminated from her paraeducator position at Stevenson Elementary, effective February 18, 2022.



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# **Long-term Facilities Maintenance (LTFM) Amendment 03.15.2021**

# LTFM – What It Is

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- Legislature created to support facilities maintenance for school districts
- Program is per pupil, formula-driven revenue source that is used for health and safety and deferred maintenance projects
- School districts receive \$380 / pupil unit
- Funding is combination of aid and levy

# Ten-Year Expenditure Plan

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- Facility-needs study completed in 2020
- Projects identified and prioritized
- Unexpected events change plans
- Lack of maintenance in the past is catching up to us
- Future funding will fall short in meeting the needs of the district
  - Declining Enrollment

# Allowable Uses

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- May only be used for deferred maintenance projects, facility accessibility, and health and safety purposes
- Anticipated projects include
  - Bathroom remodeling (ADA compliant)
  - Upgrade soft water systems (efficiency)
  - Upgrading domestic hot water systems to most sites (efficiency)



# Unexpected Events

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- Boiler Replacements Due to Failure
- Exceptional Rising Cost of Materials
- Delays in Receiving Materials

# Amendments Allowed

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- Amendments are allowed to accommodate unexpected events
- Submit Board-Approved Modifications to 10-Year Plan
- MDE provides feedback on approval







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**Fridley Public Schools**  
**Revised Budget – FY 2021-22**  
**March 15, 2022**

# Original Budget Adopted June 15<sup>th</sup>, 2021

Fund	General	Food Service	Community Service	Capital Projects	General Debt Service	OPEB Debt Service	Internal Service Funds	OPEB Trust	Total All Funds
Revenues	\$ 45,546,567	\$ 2,642,423	\$ 2,344,084	\$ 690,994	\$ 4,325,774	\$ 539,837	\$ 5,730,000	\$ 255,000	\$ 62,074,679
Expenditures	<u>45,597,176</u>	<u>2,607,869</u>	<u>2,344,084</u>	<u>690,994</u>	<u>4,281,801</u>	<u>545,830</u>	<u>6,033,050</u>	<u>345,400</u>	<u>62,446,204</u>
Net	<u>\$ (50,609)</u>	<u>\$ 34,554</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 43,973</u>	<u>\$ (5,993)</u>	<u>\$ (303,050)</u>	<u>\$ (90,400)</u>	<u>\$ (371,525)</u>

- **Since that time**

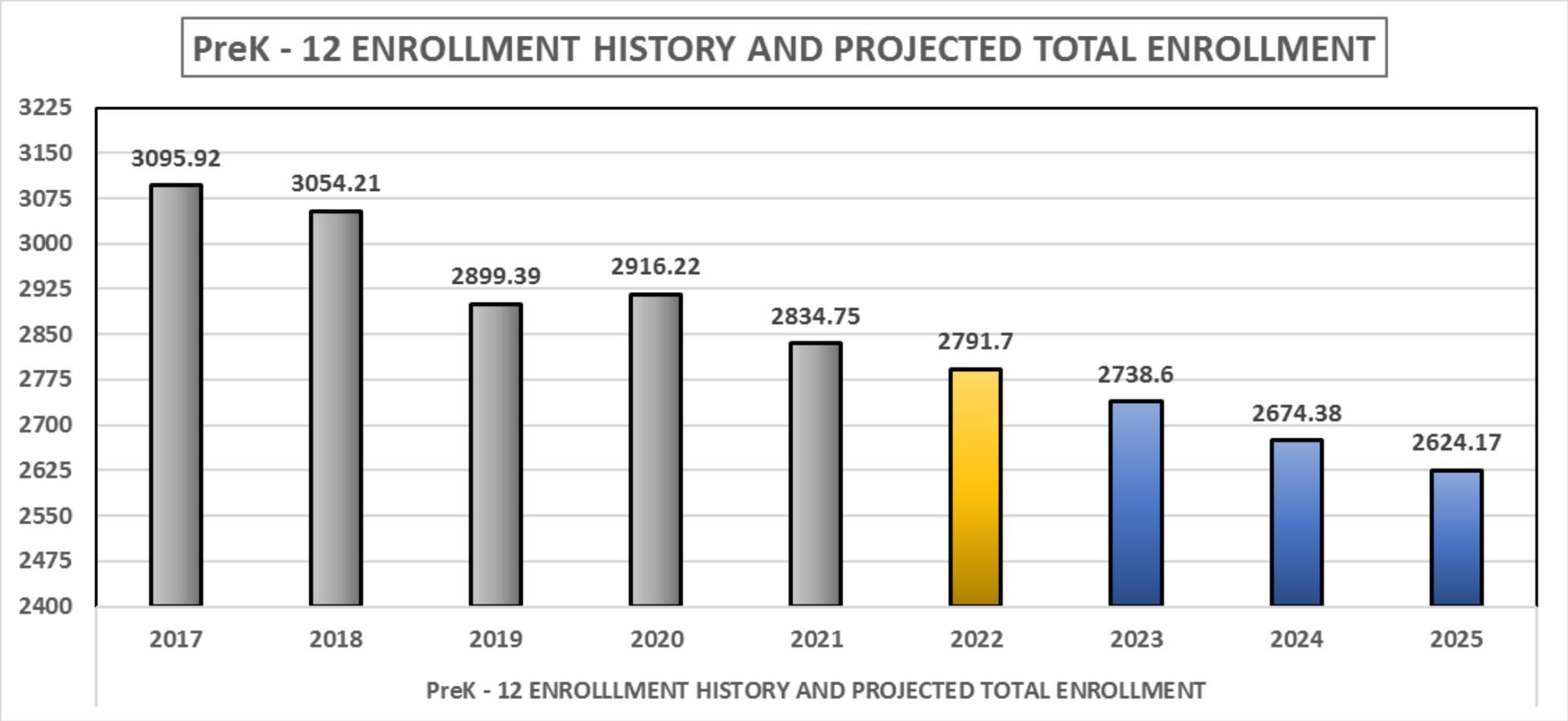
- We completed our FY21 audit
- Onboarded new staff and welcomed students for the 20-21 school year
- Settled negotiations with four bargaining units
- Reviewed current year projections, analyzed budget to actual results
- Continued to persevere through a global pandemic

# Changes in Budget Assumptions

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- Revenue Assumptions:
  - Reviewed Tax Levy, Federal Revenue, and State Aids (Basic and Categorical) based on most recent calculations and adjusted as needed
  - Included COVID Revenues (ESSER II, GEER)
- Expenditure Assumptions:
  - Took into account variances in the prior year audit
  - Revised salary and benefit expenses based on known staffing changes and negotiation settlements
  - Included COVID related Expenditures
- Enrollment:
  - Decreased our projected enrollment for the current year from 2,836 to 2,792

# Enrollment



# General Fund Summary

	6/30/2021 Beginning Fund Balance	Proposed Revised Budget		Fund Balance Buildup/(Usage)	6/30/2022 Ending Fund Balance
		2021-2022 Revenues	2021-2022 Expenditures		
<b>General Fund</b>					
<b>Unassigned</b>	3,119,678	38,462,152	38,560,462	(98,310)	3,021,368
<b>Nonspendable</b>	341,966	-	-	-	341,966
<b>Assigned</b>	3,291,873	195,750	1,132,207	(936,457)	2,355,416
<b>Restricted:</b>					
Gifted & Talented	-	40,369	40,369	-	-
Career & Tech Program	-	261,904	261,904	-	-
Learning & Development	-	605,997	605,997	-	-
Basic Skills	-	4,142,609	4,142,609	-	-
Area Learning Center	-	637,756	637,756	-	-
Medical Assistance	984,320	400,000	418,832	(18,832)	965,488
Staff Development	-	417,163	417,163	-	-
Safe Schools	258,467	141,157	135,000	6,157	264,624
Operating Capital	333,848	742,699	751,843	(9,144)	324,704
Long-Term Facilities Maintenance	1,004,602	1,104,766	1,919,762	(814,996)	189,606
Capital Projects Levy	177,407	987,134	690,994	296,140	473,547
Student Activities	79,365	46,335	31,610	14,725	94,090
<b>Total Restricted</b>	<b>2,838,009</b>	<b>9,527,889</b>	<b>10,053,839</b>	<b>(525,950)</b>	<b>2,312,059</b>
<b>Total General Fund</b>	<b>9,591,526</b>	<b>46,338,262</b>	<b>47,898,979</b>	<b>(1,560,717)</b>	<b>8,030,809</b>
<i>Unassigned Fund Balance %</i>	<i>8.34%</i>				<b>8.23%</b>
<i>Adopted Budget</i>		45,546,567.00	45,597,176.00	(50,609.00)	
<i>Change in Budget</i>		791,695.00	2,301,803.00	(1,510,108.00)	

**Board Policy #714 - Strive to maintain a fund balance of between 7% and 10%**

# All Funds Summary

Fund	General	Food Service	Community Service	Capital Projects	General Debt Service	OPEB Debt Service	Internal Service Funds	OPEB Trust	Total All Funds
Revenues	\$ 46,338,262	\$ 2,642,423	\$ 2,181,790	\$ 690,994	\$ 4,325,774	\$ 539,837	\$ 5,730,000	\$ 255,000	\$ 62,704,080
Expenditures	<u>47,898,979</u>	<u>2,666,760</u>	<u>2,430,518</u>	<u>1,500,000</u>	<u>4,281,801</u>	<u>545,830</u>	<u>6,033,050</u>	<u>345,400</u>	<u>65,702,338</u>
Net	<u>\$ (1,560,717)</u>	<u>\$ (24,337)</u>	<u>\$ (248,728)</u>	<u>\$ (809,006)</u>	<u>\$ 43,973</u>	<u>\$ (5,993)</u>	<u>\$ (303,050)</u>	<u>\$ (90,400)</u>	<u>\$ (2,998,258)</u>

## • **Recap**

- General Fund Revenues and Expenditures were revised projecting a \$1.56M deficit compared to a \$180,446 gain in the adopted budget
  - Mainly due to LTFM expenditures using categorical reserves
- Food Service expenditures are expected to exceed revenue by \$24,337
- Community Service continues to be affected by the pandemic and is anticipating a deficit of roughly \$250,000

# Questions / Comments

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Barbie Roessler  
Director of Finance and Operations  
Fridley Public Schools  
[barbie.roessler@Fridley.k12.mn.us](mailto:barbie.roessler@Fridley.k12.mn.us)



# FRIDLEY PUBLIC SCHOOLS

**Barbie Roessler, Director of Finance & Operations**

[Barbie.roessler@fridley.k12.mn.us](mailto:Barbie.roessler@fridley.k12.mn.us) | 763-502-5004

TO: Members of the School Board and Superintendent Hiel  
FROM: Barbie Roessler, Director of Finance and Operations  
DATE: March 15, 2022  
RE: Approval of 2021-2022 Revised Budget

## Recommendation

**For the Board of Education to approve the proposed revision of the 2021-2022 budget as summarized below:**

Fund	General	Food Service	Community Service	Capital Projects	General Debt Service	OPEB Debt Service	Internal Service Funds	OPEB Trust	Total All Funds
Revenues	\$ 46,338,262	\$ 2,642,423	\$ 2,181,790	\$ 690,994	\$ 4,325,774	\$ 539,837	\$ 5,730,000	\$ 255,000	\$ 62,704,080
Expenditures	<u>47,898,979</u>	<u>2,666,760</u>	<u>2,430,518</u>	<u>1,500,000</u>	<u>4,281,801</u>	<u>545,830</u>	<u>6,033,050</u>	<u>345,400</u>	<u>65,702,338</u>
Net	<u>\$ (1,560,717)</u>	<u>\$ (24,337)</u>	<u>\$ (248,728)</u>	<u>\$ (809,006)</u>	<u>\$ 43,973</u>	<u>\$ (5,993)</u>	<u>\$ (303,050)</u>	<u>\$ (90,400)</u>	<u>\$ (2,998,258)</u>

## Budget Summary

### COVID

The pandemic continues to play a major role in many areas of our revised budget. You will notice a large increase in revenues as well as expenditures from our adopted budget. The increases account for several funding sources we are using this school year for continued mitigation strategies, teaching methods and opportunities, mental health offering, and other services for our students and staff.

### General Fund

The General Fund is used to record the financial activities of the District that are not included elsewhere. This includes education activities, district instructional and student support programs, pupil transportation, capital expenditures, and legal school district expenditures not specifically designated to be account for in any other fund.

### *Budget Assumptions:*

- The revised Fiscal Year 2021-2022 (FY22) average daily memberships (ADMs) are projected to be 2,792; a decrease of 44 ADMs compared to the adopted budget.
- General education funding, on a per pupil basis, is \$6,728 (2.45% increase over fiscal year 2020-2021). Pupil units are calculated using a weighting factor of 1.0 for grades K-6 and 1.2 for grades 7-12.
- Salaries and benefits have been adjusted for known staffing changes as well as the those bargaining group contracts we have settled in negotiations.
- Non-salary costs have been adjusted for known changes in contracts, agreements, lease payment

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# FRIDLEY PUBLIC SCHOOLS

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schedules, and changes in operations.

- Capital budgets have been aligned with funding projections and the long-term facilities maintenance ten-year plan as amended for FY22.

## *Summary:*

Based on the fiscal year 2020-2021 final results and 2021-2022 revised budget, the District is projecting to end FY22 with an unrestricted fund balance of approximately 8.23%. The fund balance policy approved by the School Board has a minimum unrestricted fund balance of 7%.

## **Food Service Fund**

The food service fund is used to record financial activities of the District's food service program. The revised budget projects a deficit of \$24,337 for the 2021-2022 fiscal year.

## **Community Service Fund**

The community service fund is used to record financial activities of the District's community service programs. The adopted budget projects a net-zero effect for revenue and expenditure activity. The revised budget is bracing for a deficit of \$248,728. This will continue to have our fund balance in the negative.

## **General and OPEB (Other Postemployment Benefits) Debt Service Funds**

The Debt Service Fund is used to record revenues and expenditures for a school district's outstanding bonded indebtedness, whether for building construction or operating capital, and whether for initial or refunding bonds.

When a bond issue is sold, the school board must levy a direct general tax upon the property of the district for the payment of principal and interest on such bonds as due. The amount levied is 105% of the principal and interest due on such bonds, which allows for delinquencies in tax collection.

When an excess of funds on hand is accumulated in the debt service funds due to interest earnings, lower than anticipated tax delinquency, or excess building funds, the levy for debt service may be reduced in whole or in part as dictated by fund balances and debt retirement requirements.

## **Internal Service Funds**

The Internal Service Funds account for the Districts self-insured medical and dental plans.

## **OPEB (Other Postemployment Benefits) Trust**

The OPEB trust fund accounts for the payment and financing of the districts OPEB liabilities.

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	6/30/2021 Beginning Fund Balance	Proposed Revised Budget 2021-2022		Fund Balance Buildup/(Usage)	6/30/2022 Ending Fund Balance
		Revenues	Expenditures		
<b>General Fund</b>					
<b>Unassigned</b>	3,119,678	38,462,152	38,560,462	(98,310)	3,021,368
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<b>Assigned</b>	3,291,873	195,750	1,132,207	(936,457)	2,355,416
<b>Restricted:</b>					
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Learning & Development	-	605,997	605,997	-	-
Basic Skills	-	4,142,609	4,142,609	-	-
Area Learning Center	-	637,756	637,756	-	-
Medical Assistance	984,320	400,000	418,832	(18,832)	965,488
Staff Development	-	417,163	417,163	-	-
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Student Activities	79,365	46,335	31,610	14,725	94,090
<b>Total Restricted</b>	<b>2,838,009</b>	<b>9,527,889</b>	<b>10,053,839</b>	<b>(525,950)</b>	<b>2,312,059</b>
<b>Total General Fund</b>	<b>9,591,526</b>	<b>46,338,262</b>	<b>47,898,979</b>	<b>(1,560,717)</b>	<b>8,030,809</b>
<i>Unassigned Fund Balance %</i>	<i>8.34%</i>				<b>8.23%</b>
<b>Food Service</b>					
Nonspendable	33,915	-	(2,723)	2,723	36,638
Restricted	603,152	2,642,423	2,669,483	(27,060)	576,092
<b>Total Food Service</b>	<b>637,067</b>	<b>2,642,423</b>	<b>2,666,760</b>	<b>(24,337)</b>	<b>612,730</b>
<b>Community Education</b>					
<b>Restricted:</b>					
Regular Community Education	(288,925)	1,616,458.00	1,842,956	(226,498)	(515,423)
Early Childhood Family Education	29,372	174,490	172,698	1,792	31,164
School Readiness	76,494	217,797	241,099	(23,302)	53,192
Adult Basic Education	-	48,545	48,545	-	-
Restricted for Community Education	123,968	124,500	125,220	(720)	123,248
Nonspendable	6,051	-	-	-	6,051
<b>Total Community Education</b>	<b>(53,040)</b>	<b>2,181,790</b>	<b>2,430,518</b>	<b>(248,728)</b>	<b>(301,768)</b>
<b>Capital Projects Fund</b>					
Capital Projects Levy	1,429,921	690,994	1,500,000	(809,006)	620,915
<b>Total Capital Projects</b>	<b>1,429,921</b>	<b>690,994</b>	<b>1,500,000</b>	<b>(809,006)</b>	<b>620,915</b>
<b>Debt Service</b>					
General Debt Service	923,892	4,325,774	4,281,801	43,973	967,865
OPEB Debt Service	116,214	539,837	545,830	(5,993)	110,221
<b>Total Debt Service</b>	<b>1,040,106</b>	<b>4,865,611</b>	<b>4,827,631</b>	<b>37,980</b>	<b>1,078,086</b>
<b>Total Internal Service Funds</b>	<b>5,771,014</b>	<b>5,730,000</b>	<b>6,033,050</b>	<b>(303,050)</b>	<b>5,467,964</b>
<b>Total Trust and Agency Funds</b>	<b>4,422,738</b>	<b>255,000</b>	<b>345,400</b>	<b>(90,400)</b>	<b>4,332,338</b>
<b>Total All Funds</b>	<b>22,839,332</b>	<b>62,704,080</b>	<b>65,702,338</b>	<b>(2,998,258)</b>	<b>19,841,074</b>



# FRIDLEY PUBLIC SCHOOLS

Barbie Roessler, Director of Finance & Operations |  
[Barbie.roessler@fridley.k12.mn.us](mailto:Barbie.roessler@fridley.k12.mn.us) | 763-502-5004

TO: Members of the School Board and Superintendent Hiel

FROM: Barbie Roessler, Director of Finance & Operations and Bryan Brown, Director of Buildings and Grounds

DATE: March 15, 2022

RE: Accept Bid and Award of Contract

## Recommendation

**For the Board of Education to accept the bid for construction of the Fridley High School Loading Dock project and award the contract to Morcon Construction Co. Inc. with a bid amount of \$317042.00.**

Company	Bid Amount
Morcon Construction Co. Inc.	\$317,042.00
Urban Companies	\$405,000.00
Dering Pierson Group, LLC	\$359,000.00
All Phase Contracting	\$369,965.56
Pember Companies, Inc.	\$326,210.00
Park Construction Co.	\$372,423.00
JPMI Construction Co.	\$365,000.00
Blackstone Contractors, LLC	\$422,962.40

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