

## Business Meeting

Tuesday, September 20, 2022 7:30 PM

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

A. <b>Call to Order, Pledge of Allegiance</b>	<b>Presenter:</b> Ross Meisner
B. <b>Approval of Agenda with Suggested Motions and Resolutions</b>	<b>Presenter:</b> Ross Meisner
B.1. Suggested Motions and Resolutions	
C. <b>Spotlight on Recognition</b>	
C.1. 2022 Hall of Fame Inductees	<b>Presenter:</b> Dr. Kim Hiel
C.2. Opening Workshop / First Day of School Highlights	<b>Presenter:</b> Dr. Kim Hiel
D. <b>Superintendent and Staff Reports</b>	
D.1. District Annual Report Video	<b>Presenter:</b> Josh Collins / David Webber
D.2. Strategic Planning	<b>Presenter:</b> Josh Collins
E. <b>Business Action Items</b>	
E.1. Motion: Approve the proposed 2022 payable 2023 property tax levy as "Maximum" and certify the levy to the county auditor	<b>Presenter:</b> Craig Wieber
F. <b>Consent Agenda</b>	<b>Presenter:</b> Ross Meisner
F.1. Minutes of the School Board Work Session Held on August 16, 2022 and Special Meeting Held on August 22, 2022	
F.2. Monthly Financial Reports	
F.3. New Contracts, Amendments, Leaves of Absence, Terminations, Resignations, and Retirements	
F.4. Assurance of Compliance with State and Federal Law Prohibiting Discrimination	
F.5. Hourly Sub Rate Change	
G. <b>Written Information</b>	
G.1. First Reading of Policies	
G.1.a. Policy 208 Development Adoption and Implementation of Policies	<b>Presenter:</b> Dr. Kim Hiel
G.1.b. Policy 209 School Board Member Code of Ethics	<b>Presenter:</b> Dr. Kim Hiel
G.1.c. Policy 210 Conflict of Interest	<b>Presenter:</b> Dr. Kim Hiel
G.1.d. Policy 415 Mandated Reporting of Maltreatment of Vulnerable Adults	<b>Presenter:</b> Laura Seifert-Hertling
G.1.e. Policy 410 Family and Medical Leave	<b>Presenter:</b> S. Ike Isaacson

G.1.f.	Policy 416 Drug and Alcohol Testing	<b>Presenter:</b> S. Ike Isaacson
G.1.g.	Policy 417 Chemical Use and Abuse	<b>Presenter:</b> S. Ike Isaacson
G.1.h.	Policy 418 Chemical Free Workplace	<b>Presenter:</b> S. Ike Isaacson
H.	<b>Important Future School Board Dates</b>	<b>Presenter:</b> Ross Meisner
H.1.	ALC Open House September 22, 2022   3:15 PM Fridley ALC	
H.2.	Parent/Family Strategic Planning Focus Group September 26, 2022   6:30-8:00 PM Fridley Community Center	
H.3.	Fridley Preschool Family IB Night September 27, 2022   5:00 PM Fridley Community Center	
H.4.	Fridley Schools Foundation Get Your Paws Moving Walk September 28, 2022   4:30 PM FHS Football Stadium	
H.5.	RLS Family Engineering Night with The Works! September 29, 2022   5:00 PM Stevenson Elementary	
H.6.	Fridley School Board Work Session October 4, 2022   5:30 PM Fridley Community Center	
H.7.	Free Family Movie Night October 7, 2022   7:00 PM FHS Auditorium	
H.8.	Fridley Homecoming Week October 10-14, 2022	
H.9.	Fridley Kids Apple Run - Grades K-6 October 11, 2022   4:00 PM Commons Park	
H.10.	Fridley Public Schools Board Meeting October 18, 2022 Work Session, 5:30 PM Open Forum, 7:00 PM Business Meeting, 7:30 PM Fridley Community Center	
I.	<b>Adjournment</b>	<b>Presenter:</b> Ross Meisner

**Tuesday, September 20, 2022**  
**School Board Business Meeting**  
**Motions**

**A. Call to Order, Pledge of Allegiance**

**B. Approval of Agenda with Suggested Motions and Resolutions**

**1. Suggested Motions and Resolutions – Board Chair**

Suggested Motion: Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve the agenda for September 20, 2022.

**C. Spotlight on Recognition**

**D. Superintendent and Staff Reports**

**E. Business Action Items**

**1. Motion: Approve the proposed 2022 payable 2023 property tax levy as “Maximum” and certify the levy to the county auditor**

Suggested Motion: Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve the proposed 2022 payable 2023 property tax levy as “Maximum” and certify the levy to the county auditor.

**F. Consent Agenda**

Suggested Motion: Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve the consent agenda of routine action items including minutes of the work session held on August 16, 2022 and special board meeting held on August 22, 2022; Monthly Financial Reports; and New Contracts, Amendments, Leaves of Absence, Resignations, Retirements and Terminations; Assurance of Compliance with State and Federal Law Prohibiting Discrimination; and Hourly Sub Rate Change

**G. Written Information**

**H. Important Future School Board Dates**

**I. Adjournment**

Suggested Motion: Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adjourn at\_\_\_\_\_.

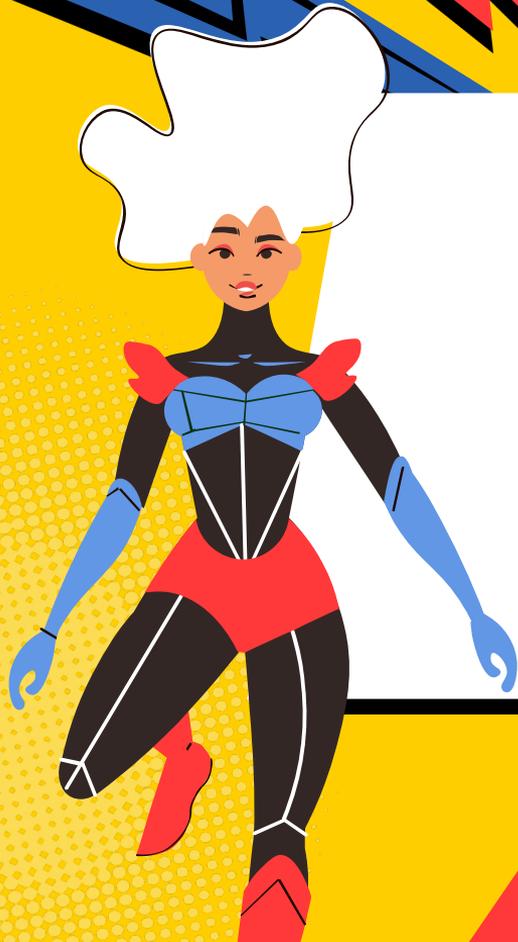


# 2022 Hall of Fame Inductees

**Paul Anderson – Athlete**  
**Jeff Bullard – Coach**  
**John Freitag – Coach**  
**Mark Hein - Athlete**  
**Cathy Jacobson – Athlete**  
**Scott Kaul - Athlete**

**Kathy Krocak - Athlete**  
**Steve Nelson – Athlete**  
**Todd Olson – Athlete**  
**Lori Rintala – Contributor**  
**Nancy Zinter - Coach**





***2022-2023***

**Welcome Staff & Students!**



***NEW STAFF***

# HAYES ELEMENTARY



# STEVENSON ELEMENTARY



# FRIDLEY MIDDLE SCHOOL



# FRIDLEY HIGH SCHOOL



# FRIDLEY ALC & COMMUNITY CENTER





***25 YEARS OF SERVICE***

**At Fridley Public Schools**

**25 YEARS!**

**KARIN BECKSTRAND**

Preschool PYP & Targeted Services  
Coordinator at FCC  
Fridley Schools Foundation President



**25 YEARS!**  
**JEANETTE GRANT**

Health Assistant at  
Fridley High School



**25 YEARS!**

**PEGGY HASELMAN**

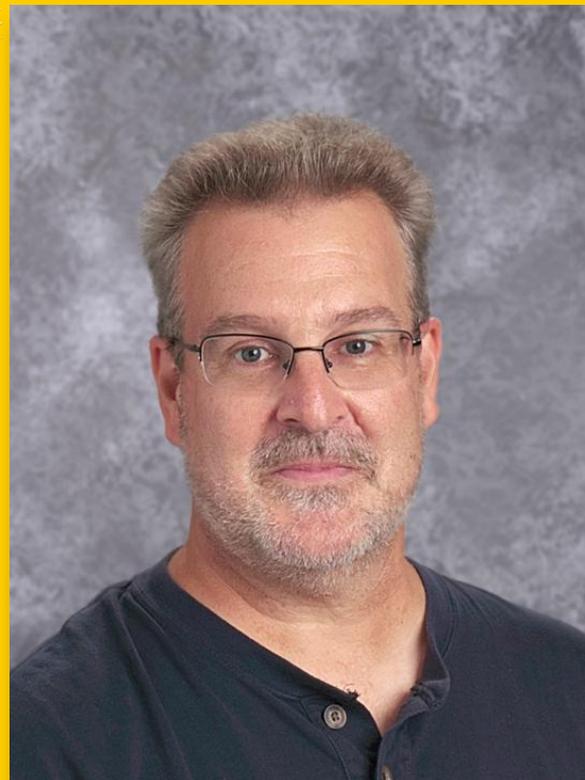
Grades 2 and 3 Teacher at  
Stevenson Elementary



**25 YEARS!**

**STEVE HOLT**

Individuals and Society Teacher  
at Fridley High School

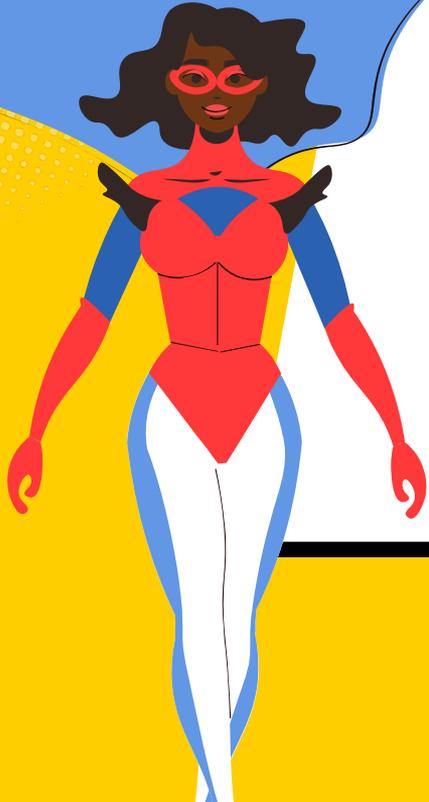


**25 YEARS!**

**CINDY MORRISSEY**

Paraeducator at Fridley High School





***TEACHERS OF  
EXCELLENCE***



***HAYES ELEMENTARY***

***CASEY LEASURE***

**Special Education Teacher**

***RLS ELEMENTARY***  
***CHRISTA SANDERS***

**School Counselor**





**FRIDLEY MIDDLE SCHOOL**  
**JESSICA RIFLEY**

**Grade 6 Teacher**

***FRIDLEY HIGH SCHOOL***

***KELSEY KNUTSON***

School Social Worker





**PRESCHOOL / ALC**

**ARIEL CHANG**

**EL Teacher, Coordinator & IL**

A stylized illustration of a superhero character with red hair, wearing a black and white suit with blue accents and a red cape, running towards the right. The character is positioned on the left side of the frame. In the center-right, a white rectangular sign with a black border contains the text 'EMPLOYEE OF THE YEAR' in a bold, red, italicized font. The background is a vibrant yellow with a halftone dot pattern. Several large, stylized blue and red lightning bolts or energy beams radiate from the right side of the sign, extending towards the edges of the image.

**EMPLOYEE  
OF THE  
YEAR**

***DISTRICT OFFICE***

***KATE WESBUR***

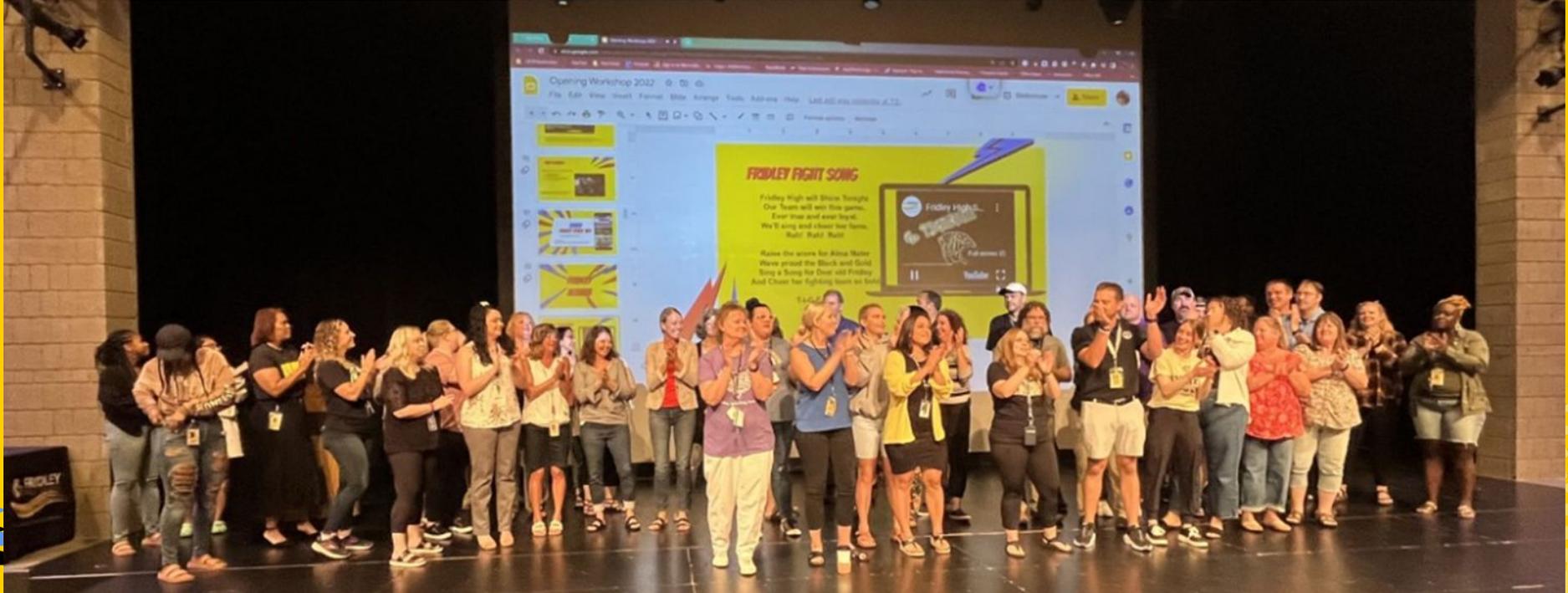
Accounting Supervisor





**FRIDLLEY**

**ALUMNI / STAFF**



# ***A CALL FOR COURAGE***

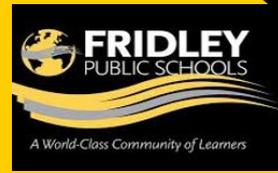
***CONSISTENCY***

***CONNECTION***

***COHERENCE***



**REIMAGINING EDUCATION 2022 AND BEYOND**





*International Baccalaureate World Schools* 

***Best Place to Learn - Best Place to Work***

**CONSISTENCY • CONNECTION • COHERENCE**

# FRIDLEY MIDDLE & HIGH SCHOOL - 1ST DAY



# HAYES & STEVENSON - 1ST DAY





***GO TIGERS!***



# FRIDLEY PUBLIC SCHOOLS

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**Craig Wieber, Director of Finance & Operations**

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

TO: Members of the School Board and Superintendent, Dr. Hiel

FROM: Craig Wieber, Director of Finance and Operations

DATE: September 20, 2022

RE: Adoption of the Preliminary 2022 Payable 2023 Property Tax Levy

**RECOMMENDATION:**

**The Fridley School Board approve the proposed 2022 Payable 2023 Property Tax Levy as “Maximum” and certify the levy to the county auditor.**

School districts must adopt a proposed 2022 Payable 2023 property tax levy and certify it to the home county auditor on or before September 30, 2022. Preliminary levy limitations must be provided to school districts by the Minnesota Department of Education (MDE) by September 8. School districts have until September 30 to submit levy data changes to MDE.

Districts have the option to levy “Maximum” meaning the school board approves the levy limit versus a lesser amount. If a specific dollar amount is approved, the district may not later approve anything higher than what was specified. By approving the “Maximum”, school districts are protected if levies do increase.

Under state statute, a Truth in Taxation hearing must be conducted during a regularly scheduled board meeting between November 24, 2022 and December 28, 2022 with the meeting taking place at 6:00 PM or later. The public must be allowed to speak, and the district may adopt the final levy at this same meeting.

Fridley Public School’s Truth in Taxation hearing will be held Tuesday, December 20, 2022 at 7:00 PM.

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*A World-Class Community of Learners*



ISD 14 - FRIDLEY  
 LEVY CERTIFICATION - LEVY 22 PAY 23 (REVENUE FY 2023-24)  
 ANALYSIS - PAY 22 VS PAY 23  
 AS OF SEPTEMBER 15, 2022

Category	REV 22-23	Rev 23-24	LEVY \$	LEVY %
	FINAL PAY 22	PRELIM PAY 23	INC / (DEC)	INC / (DEC)
<b><u>GENERAL FUND (FUND 1)</u></b>				
Referendum - Voter	\$ 1,648,296.30	\$ 1,833,504.95	\$ 185,208.65	
REFERENDUM-BOARD	-	-	-	
Local Optional Revenue	2,011,791.14	1,875,144.71	(136,646.43)	
Equity Revenue	452,458.54	410,957.83	(41,500.71)	
Capital Projects Referendum	1,044,274.53	1,080,188.96	35,914.43	
Operating Capital	220,888.89	230,381.79	9,492.90	
ALT Teach Comp (Q-COMP)	251,622.96	272,160.05	20,537.09	
Achievement & Integration	241,865.49	232,541.44	(9,324.05)	
Reemployment Insurance	34,920.81	(15,000.00)	(49,920.81)	
Safe Schools	107,535.60	105,328.44	(2,207.16)	
Safe Schools - Intermediate	44,806.50	43,886.85	(919.65)	
Career & Technical	157,104.44	127,562.23	(29,542.21)	
Long Term Facilities Maintenance (LTFM)	1,205,017.73	1,109,417.20	(95,600.53)	
Lease Levy	587,006.54	603,352.43	16,345.89	
Advance Abatement Adjust.	8,925.37	11,581.77	2,656.40	
<b>SUBTOTAL - GENERAL FUND</b>	<b>\$ 8,016,514.84</b>	<b>\$ 7,921,008.65</b>	<b>\$ (95,506.19)</b>	<b>-1.19%</b>
<b><u>COMMUNITY SERVICE FUND (FUND 4)</u></b>				
Basic Community Education	\$ 132,835.15	\$ 132,835.15	\$ -	
Early Childhood Family Ed	50,563.33	54,727.96	4,164.63	
Home Visiting	1,320.87	1,476.07	155.20	
School Age Care	190,732.88	95,245.24	(95,487.64)	
Advance Abatement Adjust.	518.39	621.28	102.89	
<b>SUBTOTAL - COMM. SERVICE</b>	<b>\$ 375,970.62</b>	<b>\$ 284,905.70</b>	<b>\$ (91,064.92)</b>	<b>-24.22%</b>
<b><u>DEBT SERVICE FUND (FUND 7)</u></b>				
Debt Service *	\$ 2,413,212.42	\$ 2,227,504.99	\$ (185,707.43)	
LTFM Debt Service	1,405,030.79	1,461,505.26	56,474.47	
Abatement Adjust.	5,499.86	6,670.78	1,170.92	
<b>SUBTOTAL - DEBT SERVICE</b>	<b>\$ 3,823,743.07</b>	<b>\$ 3,695,681.03</b>	<b>\$ (128,062.04)</b>	<b>-3.35%</b>
<b><u>OPEB FUND (FUND 47)</u></b>				
OPEB Debt Service	\$ 546,478.16	\$ 538,363.68	\$ (8,114.48)	
Abatement Adjust	758.11	940.32	182.21	
<b>SUBTOTAL - OPEB</b>	<b>\$ 547,236.27</b>	<b>\$ 539,304.00</b>	<b>\$ (7,932.27)</b>	<b>-1.45%</b>
<b>GRAND TOTAL</b>	<b>\$ 12,763,464.80</b>	<b>\$ 12,440,899.38</b>	<b>\$ (322,565.42)</b>	<b>-2.53%</b>

**Minutes**  
**School Board Work Session**  
**Fridley Independent School District 14**  
**August 16, 2022**

**Call to Order**

The Work Session of the Fridley School Board was called to order by School Board Chair Meisner at 5:45 PM on Tuesday, August 16, 2022, at the Fridley Community Center. The following Board members were present in the room: Jake Karnopp, Ross Meisner, and Avonna Starck. Nikki Auna was present via google meet Absent: Abdisalam Adam, Donna Prewedo

**The following items were discussed**

- A. Oversight of Operations
  - 1. Legal, Staffing and Personnel Update
    - a. New Contracts, Amendments, Leaves of Absence, Terminations, Resignations, and Retirements
    - b. Casual Hourly Rates Salaries 2022-23
  - 2. Finance and Operations Update
    - a. Long Term Facilities Maintenance (LTFM) Projects Update
    - b. Summer Construction Update
- B. Board Governance Policy
  - 1. Approval of Contracts
  - 2. Safety & Security Update

Adjourned at 8:23 p.m.

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Ross Meisner, Board Chair

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Jake Karnopp, Board Clerk

**Minutes**  
**School Board Special Meeting**  
**Fridley Independent School District 14**  
**August 22, 2022**

**Call to Order**

Ross Meisner called the Special Meeting of the Fridley School Board to order at 7:32 a.m. on Monday, August 22, 2022 at the Fridley High School Board Room. Present: Nikki Auna, Jake Karnopp, Ross Meisner and Avonna Starck. Absent: Abdisalam Adam, Donna Prewedo

**Approval of Agenda**

Motion by Karnopp, seconded by Starck, to approve the agenda for August 22, 2022. Upon vote being taken, all voted in favor, none against, none abstained. Motion carried 4-0.

**Business Action Items**

**1. RESOLUTION: Gifts**

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

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

THEREFORE, BE IT RESOLVED, that the School Board of Fridley Public Schools accepts with appreciation the following gifts received by the School District:

- The following persons donated to **Fridley High School**:
  - Kenneth Viken and family \$200 in honor of Tyler
  - Bob Johnson – a saxophone for the band program

Motion by Karnopp, seconded by Starck, to approve the gifts and thank the donors for their contributions. Upon roll call, Auna, Karnopp, Meisner and Starck all voted in favor, none against, none abstained. Motion carried 4-0.

**Consent Agenda**

Motion by Karnopp, seconded by Auna to approve the consent agenda of routine action items including minutes of the regular School Board meeting and work session held on July 12, 2022; Monthly Financial Reports; and New Contracts, Amendments, Leaves of Absence, Resignations, Retirements and Terminations; and Casual Hourly Sub Rates 2022-2023. Motion carried 4-0.

**Adjournment**

Motion by Karnopp, seconded by Starck, to adjourn at 7:35 a.m. Upon vote being taken, all voted in favor, none against, none abstained. Motion carried 4-0.

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Ross Meisner, Board Chair

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Jake Karnopp, Board Clerk

**INDEPENDENT SCHOOL DISTRICT NO. 14  
FRIDLEY, MINNESOTA  
TREASURER'S REPORT  
MONTH ENDING 8/31/22**

<b>Fund</b>	<b>Balance 7/31/22</b>	<b>Receipts</b>	<b>Payroll Disbursements</b>	<b>A/P Disbursements</b>	<b>Journal Entry Transfers</b>	<b>Balance 7/31/22</b>
General (01)	\$ 30,348,548.89	\$ 5,233,228.15	\$ 1,134,883.86	\$ 1,821,164.14	\$ (646,849.16)	\$ 31,978,879.88
Food Service (02)	1,101,966.18	1,240.33	14,898.41	22,828.65	(3,353.56)	1,062,125.89
Transportation (03)	(35,023,325.95)	1,065,497.32	7,646.97	21,659.19	(1,800.56)	(33,988,935.35)
Comm. Service (04)	(229,771.68)	94,247.82	101,448.09	89,785.31	(34,387.36)	(361,144.62)
Operating Capital (05)	(481,345.71)	-	-	20,510.12	136,514.13	(365,341.70)
Construction (06)	995,774.61	-	-	222,908.18	690,993.88	1,463,860.31
Debt Service (07)	2,924,906.39	95,613.16	-	-	(370,969.21)	2,649,550.34
Performance Contract (16)	(4,220,892.26)	-	-	-	-	(4,220,892.26)
Activity Fund (19)	177,052.36	232.60	120.45	1,938.88	(1,500.00)	173,725.63
Dental Self Insurance (20)	326,639.77	(0.85)	-	48,073.88	12,867.22	291,432.26
Medical Self Insurance (21)	6,799,023.35	790.98	-	657,395.37	231,444.32	6,373,863.28
OPEB Trust Fund (25)	207,672.55	21,747.42	-	2,331.57	-	227,088.40
OPEB Debt Service (47)	445,761.43	-	-	-	(12,959.70)	432,801.73
Student Activities Under Board Control (51)	87,982.89	435.00	-	1,490.00	-	86,927.89
<b>Total</b>	<b>\$ 3,459,992.82</b>	<b>\$ 6,513,031.93</b>	<b>\$ 1,258,997.78</b>	<b>\$ 2,910,085.29</b>	<b>\$ (0.00)</b>	<b>\$ 5,803,941.68</b>

<b>Bank</b>	<b>Balance Per Bank Statement</b>	<b>Outstanding Checks</b>	<b>Outstanding Deposits</b>	<b>Balance per Treasurer's Books</b>
MN Trust - OPEB	\$ 80,955.71	\$ -	\$ -	\$ 80,955.71
MN Trust - Operating	5,780,066.69	57,080.72	-	5,722,985.97
<b>Total</b>	<b>\$5,861,022.40</b>	<b>\$ 57,080.72</b>	<b>\$ -</b>	<b>\$5,803,941.68</b>

Difference \$ 0.00

**Schedule of Investments**

**As of 8/31/22**

<b>Investment</b>	<b>Broker</b>	<b>Type</b>	<b>Purchased</b>	<b>Maturity</b>	<b>Market Value</b>	<b>Par</b>	<b>Yield</b>
MN Trust Full Flex Savings Deposit Account	PMA - OPP	SDA	08/31/22	08/31/22	11,048,131.42	11,048,131.42	2.18%
Financial Federal Bank	PMA - OPEB	CD	12/22/21	11/01/22	100,000.00	100,086.03	0.10%
Trustar Bank	PMA - OPEB	CD	11/19/21	11/21/22	249,600.00	249,786.04	0.07%
Kane SD #304-UNREF	PMA - OPEB	SEC	01/07/21	01/01/23	669,514.80	655,000.00	0.24%
Desert Sands USD-REF	PMA - OPEB	SEC	02/23/21	08/01/23	225,376.80	220,000.00	0.12%
NYC-D2-TXBL	PMA - OPEB	SEC	02/19/21	12/01/23	994,210.00	1,000,000.00	0.20%
Schenectady Co	PMA - OPEB	SEC	03/09/21	12/15/23	223,708.50	225,000.00	0.20%
Oklahoma City - TXBL	PMA - OPEB	SEC	01/07/20	03/01/24	200,520.00	200,000.00	1.70%
US Treasury N/B	PMA - OPEB	SEC	11/22/21	10/15/24	659,804.60	700,000.00	0.66%
US Treasury N/B	PMA - OPEB	SEC	12/21/21	11/30/24	425,390.18	444,000.00	0.80%
US Treasury N/B	PMA - OPEB	SEC	01/21/22	11/30/25	248,993.25	275,000.00	1.35%
US Treasury N/B	PMA - OPEB	SEC	02/24/22	11/30/25	217,303.20	240,000.00	1.72%
<b>Totals</b>					\$ 15,262,552.75	\$ 15,357,003.49	

## Personnel Changes 2022-2023

### New Contracts and Amendments per Master Agreements (2022-2023)

First Name	Last Name	Assignment	Step/Lane/Salary	School
Eric	Anderson	Assistant Football Coach	Schedule C	FHS
Lance	Bailey	Head Football Coach	Schedule C	FMS
Lance	Bailey	Assistant Football Coach	Schedule C	FHS
Darrion	Branscomb	Assistant Football Coach	Schedule C	FHS
Caleb	Campbell	Spec Ed Teacher	BA/Step 1	Hayes
Madeline	Cronk	Assistant Girls Tennis Coach	Schedule C	FHS
Ashley	Davis	Secretary to Assistant Principal	B21/step 5	FHS
Lobsang	Dorthitsang	Cook	\$18.19/hour	FHS
Brad	Fisher	Head Cross Country Coach	Schedule C	FHS
Kahnnie	Gbor	Head Cheer Team Coach	Schedule C	FHS
Thomas	Goldberg	ADSI Teacher	BA/Step 1	Hayes
Josh	Growth	Assistant Football Coach	Schedule C	FMS
Melissa	Harms	Long Term Sub / Building Sub	MA/Step 9	FMS
Abigail	Hartzel	Teacher/Building Sub	MA/Step 1	FHS
Trevor	Hess	Assistant Football Coach	Schedule C	FHS
Ashley	Hufnagle	Teacher Grade 5	BA/Step 8	FMS
Hannah	Johnson	Assistant Cross Country Coach	Schedule C	FHS
Alyssa	Kelly	Paraeducator	\$16.21/hour	Hayes
Deuangmany	Littana	Paraeducator	\$16.21/hour	RLS
Amy	Mills	Prep Cook	\$18.81/hour	FHS
Madison	Morrissey	Assistant Girls Swim Coach	Schedule C	FHS
Madison	Morrissey	Teacher	BA/Step 1	FMS
Gavin	Nachtigall	Teacher/Building Sub	MA/Step 6	FMS
Matt	Nalepka	Assistant Football Coach	Schedule C	FHS
Terrell	Nyangai	Paraeducator	\$16.21/hour	FMS
Abby	Proehl	Building Sub	\$30.00/hour	RLS
Aaron	Quach	Head Girls Tennis Coach	Schedule C	FHS
Justin	Reese	Head Football Coach	Schedule C	FHS
Melissa	Ringstad	Paraeducator	\$16.21/hour	RLS
Barbara	Salser	Cook	\$16.46/hour	FMS
Zachary	Sander	Teacher	MA/Step 9	FHS
Elizabeth	Sandstrom	Building Sub	\$30.00/hour	RLS
Amanda	Selin	Cook	\$17.33/hour	FHS
John	Swanson	Assistant Football Coach	Schedule C	FHS
Christian	Thompson	Custodian	\$17.61/hour	FHS
Laurie	Totzke	Paraeducator	\$16.21/hour	Hayes
Sam	Vossler	Assistant Cross Country Coach	Schedule C	FHS
Laura	Wavra	Teacher/Building Sub	MA/Step 9	FHS
Caitlin	Westad	Paraeducator	\$16.21/hour	FCC
Veronica	Williams	Paraeducator	\$16.21/hour	RLS
Markai	Wotoe	Assistant Cheer Team Coach	Schedule C	FHS
Madison	Yerigan	Paraeducator	\$16.21/hour	Hayes
De	Zhang	Teacher	PhD/Step 5	FMS

**Individual Contracts (2022-2023)**

<b>First Name</b>	<b>Last Name</b>	<b>Assignment</b>	<b>Step/Lane/Salary</b>	<b>School</b>
Alma	Lora	Equity & Inclusion Specialist	Individual Contract	RLS
Aloda	Sims	Lead Equity & Inclusion Specialist	Addendum to Individual Contract	FMS

**Leaves of Absence (2022-2023)**

- Alison Callahan has requested a leave of absence from her teacher position at Fridley Middle School effective December 20, 2022 through March 24, 2023.
- Jim Wilka has requested a leave of absence from his paraeducator position at Stevenson Elementary School effective October 4, 2022 through November 14, 2022.

**Resignations (2022-2023)**

- Joseph Dargay resigned his paraeducator position at Fridley High School, effective June 9, 2022.
- Zohra Deriche resigned her paraeducator position at Hayes Elementary, effective June 9, 2022.
- Julia Ebbers resigned her teacher position from Fridley Middle School, effective June 10, 2022.
- Samantha Hamlin resigned her paraeducator position at Hayes Elementary, effective June 9, 2022.
- Kristen Lemke resigned her cook position at Stevenson Elementary, effective June 8, 2022.
- David Webber resigned his communications specialist position at Fridley Public Schools, effective October 3, 2022.

## **Assurance of Compliance with State and Federal Law Prohibiting Discrimination**

All school districts must complete the Assurance of Compliance with state and federal law and verify Mandated Reporting training by November 15 each year.

By completing all sections of the Assurance of Compliance and Mandated Reporting, school districts provide written assurance that they do not discriminate in their use of funds provided through the Minnesota Department of Education and that they have informed all mandated reporters of their reporting duties.

This assurance is given by each district in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other federal and state financial assistance extended to the district by the U.S. Department of Education and the Minnesota Department of Education (MDE), including installment payments after such date of application for federal financial assistance and state aid allotments which were approved before such date.

By submitting the Assurance of Compliance, the district recognizes and agrees that such federal and state financial assistance will be extended in reliance on the representations, supporting information required by Minnesota Statutes, section 127A.42, subdivision 3, and agreements made in this assurance. This assurance is binding on the district and the persons who are authorized to submit information on behalf of the district.

Please note that you can now provide the entire assurance online. We no longer require the paper copy of the Assurance of Compliance certificate. However, it is important to note that by submitting the Assurance of Compliance online that you are verifying that the Superintendent is electronically signing this assurance on behalf of the school board. **Though the paper copy is no longer required, the approval of the board is per Minnesota Rule 3535.9910.**

**Casual Employee Salaries**  
**2022-2023**  
**effective 8/16/2022, revised 9/12/2023**

	<b>2022-23</b>
<b>Substitute Teachers (daily rate)</b>	<b>\$175.00</b>
<b>Substitute Teachers (daily rate) - Retiree from Fridley Public Schools, ISD 14</b>	<b>\$175.00</b>
<b>Casual Substitute - Clerical, Custodian, Paraprofessional, Food Service , Community Ed</b>	\$15.50
<b>Language Interpreter</b>	\$33.11
<b>Intramurals: Intramural Assistant</b>	\$13.89
<b>Piano Accompanist</b>	\$26.00
<b>Student Worker:</b>	
<b>Summer Buildings/Grounds Crew</b>	\$15.50
Year 1	\$0.00
Year 2	\$0.00
Year 3	\$0.00
<b>Student Worker:</b>	
<b>Technology/Auditorium/Nutritional Services / Other</b>	\$11.00

If the Principal makes the request, it is permitted for retired clerical subs to be paid at the rate they received when they retired.

***For Daily Sub Teachers - additoinal incentive pay:***

\$100 bonus for working 10 assignments in a calendar month

\$15/day extra pay for assignments accepted on Mondays and Fridays

\$15/day extra pay for day before MEA, day before winter/spring breaks



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## 208 Development, Adoption, and Implementation of Policies

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

Formal guidelines are necessary to ensure the school community that the school system responds to its mission and operates in an effective, efficient and consistent manner. A set of written policies shall be maintained and modified as needed. Policies shall define the desire and intent of the School Board and should be in a form that is sufficiently explicit to guide administrative action. All employees are responsible to implement and comply with School Board policies in a conscientious and professional manner.

### III. DEVELOPMENT OF POLICY

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

### IV. ADOPTION AND REVIEW OF POLICY

- A. The School Board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two School Board meetings. The proposals shall be read and public comment will be allowed at both meetings.
- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the School Board at a meeting after the two meetings at which public input was

received. The policy will be effective on the latter of the date of passage or the date stated in the motion.

- C. In an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the School Board in a single meeting. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The policy adopted in an emergency shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The School Board shall have discretion to determine what constitutes an emergency.
- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the School Board has no control, the modified policy may be approved at one meeting at the discretion of the School Board.

## V. IMPLEMENTATION OF AND ACCESS TO POLICY

- A. The superintendent shall be responsible for implementing School Board policies, other than the policies that cover how the school board will operate. The superintendent shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. It shall be the responsibility of all employees to keep informed about and to implement School Board policies.
- B. Each School Board member shall have access to school district policies. A copy of the school district policies is available online on the school website. A QR Code shall be placed in the office of each school ~~attendance center~~ and -in the central school district office and shall be available for reference purposes to employees or other interested persons.
- C. The superintendent, employees designated by the superintendent, and individual School Board members shall be responsible for keeping the policy current.
- D. The school board shall review policies at least once every three years. The superintendent shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually. In addition, the school board shall review the following policies annually: 410 Family and Medical Leave Policy; 413 Harassment and Violence; 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse; 415 Mandated Reporting of Maltreatment of Vulnerable Adults; 506 Student Discipline; 514 Bullying Prohibition Policy; 522 Student Sex Nondiscrimination; 524 Internet Acceptable Use and Safety Policy; 616 School District System Accountability; 722 Public Data Requests; and 806 Crisis Management Policy
- E. When no School Board policy exists to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the mission,



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educational philosophy and financial condition of the school district. Under such circumstances, the superintendent shall advise the School Board of the need for a policy and present a recommended policy to the School Board for approval.

***Legal References:***

Minn. Stat. 123.33, Subd. 1 (School Boards Powers)

Minn. Stat. 123.35, Subd. 1 (School District Powers)

***Cross References:***

Policy 305 (Policy Implementation)

***SCHOOL BOARD ACTION:***

Adopted December 21, 1999

Revised July 19, 2011

Revised February 17, 2015

Revised May 17, 2016

Revised May 17, 2022

Revised/First Reading September 20, 2022

First Reading



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## 209 School Board Member Code of Ethics

### I. Purpose

The purpose of this policy is to assist School Board members in recognizing the role of individual School Board members and the contribution that each must make to develop an effective and responsible School Board.

### II. General Statement of Policy

Each School Board member shall follow the code of ethics stated in this policy.

#### A. As a member of the School Board **that person** will:

1. Listen.
2. Recognize the integrity of predecessors and associates.
3. Appreciate the merit of their work.
4. Be motivated by a desire to serve the pupils and the taxpayers of the district.
5. Attempt to be informed on the proper duties and functions of a School Board member.
6. Recognize that it is a responsibility, together with other School Board members, to see that the School District is properly run by professional administrators.
7. Work with the administration employees of the School Board – not over or around them.
8. Recognize that School Board business may be legally transacted only in an open meeting of the School Board.

#### B. In performing the proper functions of a School Board member **that person** will:

1. Adhere to education policies unless necessity requires otherwise.
2. Meet the legal responsibility as part of a policy forming body and not as an administrative officer.
3. Act as a trustee of public education and protect, conserve, and advance its progress.

#### C. To maintain relations with other members of the School Board **that person** will:

1. Respect the right of others to have and express opinions.
2. Recognize that authority rests with the School Board in legal session – not with the individual members of the School Board except as authorized by law.
3. Make no disparaging remarks, in or out of School Board meetings, about other members of the School Board or their opinions.
4. Make decisions in School Board meetings after all sides of debatable questions have been presented.
5. Delegate details of School Board action to administrative employees.

6. Insist that special committees be appointed to serve only in an advisory capacity to the School Board.

**D. In meeting the responsibilities to the community ~~that person~~ will:**

1. Attempt to appraise both the present and future educational needs of the school district.
2. Attempt to obtain adequate financial support for the school ~~district's~~ program.
3. Interpret the needs and attitudes of the community and translate them into the educational program of the school district.
4. Consider it an important responsibility to interpret the educational program of the school as it relates to the needs of the community.
5. Insist that business transactions of the school district be ~~on an~~ ethical and, open, ~~and above board~~ basis.

**E. In working with the superintendent of schools and staff ~~that person~~ will:**

1. Hold the superintendent responsible for the administration of the school district.
2. Give the superintendent authority commensurate with the responsibility.
3. Assure that the school district is administered by the best professional personnel available.
4. Consider the recommendation of the superintendent in the ~~appointment~~ hiring of all employees.
5. Participate in School Board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
6. Expect the superintendent to keep the School Board adequately informed at all times through both oral and written reports.
7. Spend adequate time in School Board meetings on educational policies.
8. Give Offer the superintendent counsel and advice.
9. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the School Board.
10. Refer all complaints to the proper administrative representative or insist that they be presented in writing to the whole School Board.
11. Present any personal criticisms of employees to the superintendent unless they involve the superintendent and then in such case may present to the Board Chair.
12. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

**F. In fulfilling the legal obligations as a School Board Member ~~that person~~ will:**

1. Comply with all federal, state, and local laws relating to work as a School Board Member.
2. Comply with all school district policies as adopted by the School Board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.
4. Recognize that school district business may be legally transacted only in an open meeting of the School Board.



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5. Avoid conflicts of interest and refrain from using the position for personal gain.
6. Take no private action that will compromise the School Board or administration.
7. Guard the confidentiality of information that is protected under applicable law or rule

***Legal References:***

Minn. Stat. 123B.02, Subd. 1 (School District Powers)

Minn. Stat. 123B.09 (School Board Powers)

Minn. Stat. 123B.143, Subd. 1, (Superintendent)

***Cross References:***

~~[MSBA Service Manual, Chapter 1, School Board Member Code of Ethics](#)~~ None

***SCHOOL BOARD ACTION:***

Revised as Policy 4.500

Revised as Policy 209 December 21, 1999

Revised March 15, 2011

Revised April 16, 2013

[Revised/First Reading September 20, 2022](#)

First Reading



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## 210 Conflict of Interest - School Board Members

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

### III. GENERAL PROHIBITIONS AND RECOGNIZED STATUTORY EXCEPTIONS

- A. A School Board member who is authorized to take part in any manner in making any sale, lease, or contract in his or her official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially there from.
- B. In the following circumstances, however, the School Board may as an exception, by unanimous vote of disinterested member contract for goods or services with a School Board member of the school district:
  1. In the designation of a bank or savings association, in which a School Board member is interested, as an authorized depository for school district funds and as a source of borrowing, provided such deposited funds are protected in accordance with ~~Minnesota Statute Chapter~~ 118A. Any School Board member having said interest shall disclose that interest and the interest shall be entered upon the school board minutes. Disclosure shall be made when such bank or savings association is first designated as a depository or source of borrowing, or when such School Board member is elected, whichever is later. Disclosure serves as notice of the interest and need only be made once;
  2. The designation of an official newspaper, or publication of official matters therein, in which the School Board member is interested when it is the only newspaper complying with statutory requirements relating to the designation or publication;

3. A contract with a cooperative association of which the School Board member is a shareholder or stockholder but not an officer or manager;
  4. A contract for which competitive bids are not required by law. A contract made under this exception will be void unless the following procedures are observed:
    - a. The School Board shall authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the goods or services could be obtained elsewhere.
    - b. In the case of an emergency when the contract cannot be authorized in advance, payment of the claims must be authorized by a like resolution wherein the facts of the emergency are also stated.
    - c. Before a claim is paid, the interested School Board member shall file with the clerk of the School Board an affidavit stating:
      - 1) The name of the School Board member and the office held;
      - 2) An itemization of the goods or services furnished;
      - 3) The contract price;
      - 4) The reasonable value;
      - 5) The interest of the School Board member in the contract; and
      - 6) That to the best of the School Board member's knowledge and belief, the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources.
  5. A School Board member may contract with the school district to provide construction materials or services, or both, when the sealed bid process is used. When the contract comes before the School Board for consideration, the interested School Board member may not vote on the contract.
  6. A School Board member may rent space in a public facility at a rate commensurate with that paid by other members of the public.
- C. In the following circumstances, the School Board may as an exception, by majority vote at a meeting at which all School Board members are present, contract for services with a School Board member of the school district: A School Board member may be newly employed or may continue to be employed by the school district as an

employee only if there is a reasonable expectation on July 1, or at the time the contract is entered into or extended, that the amount to be earned by that School Board member under that contract or employment relationship, will not exceed ~~\$20,000~~~~\$8,000~~ in that fiscal year. If the School Board member does not receive majority approval to be initially employed or to continue in employment at a meeting at which all School Board members are present, that employment is immediately terminated and that School Board member has no further rights to employment while serving as a School Board member in the school district.

- D. The School Board may contract with a class of school district employees, such as teachers or custodians, when the spouse or a child of a School Board member is a member of the class of employees contracting with the School Board and the employee spouse receives no special monetary or other benefit that is substantially different from the benefits that other members of the class receive under the employment contract. For the School Board to invoke this exception, it must have a majority of disinterested School Board members vote to approve the contract, direct the School Board member spouse or child to abstain from voting to approve the contract, and publicly set out the essential facts of the contract at the meeting in which the contract is approved.

#### IV. Limitation on Related Employees

- A. The School Board must hire or dismiss teachers only at duly called meetings. When a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher may be made or authorized except upon the unanimous vote of the full School Board.
- B. The School Board may not employ any teacher related by blood or marriage, to a School Board member except by a unanimous vote of the full School Board.

#### V. Conflicts Prior to Taking Office

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

#### VI. Determination as to Whether a Conflict of Interest Exists



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

***Legal References:***

Minn. Stat. § 122A.40, Subd. 3 (~~Teacher Hiring, Dismissal~~Employment; Contracts; Termination)  
Minn. Stat. § 123B.195 (Board Member's Right to Employment)  
Minn. Stat. 471.87 (Public Officers~~s~~; Interest in Contract; Penalty)  
Minn. Stat. 471.88, Subds. 2, 3, 4, 5, 12, 13, 16 (Exceptions)  
Minn. Stat. 471.89 (Contract, When Void)  
Op. Atty. Gen. 437-A-4, March 15, 1935  
Op. Atty. Gen. 90-C-5, July 30, 1940  
Op. Atty. Gen. 90-A, August 14, 1957

***Cross References:***

MSBA/MASA Model Policy 101 (Legal Status of the School Board)  
MSBA/MASA Model Policy 209 (Code of Ethics)

***SCHOOL BOARD ACTION:***

Adopted December 21, 1999  
Revised December 16, 2008  
Revised March 15, 2011  
Revised May 17, 2022  
Revised/First Reading September 20, 2022



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## 415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

### I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to ~~fully~~ comply fully with Minnesota Statutes section- § 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

### III. DEFINITIONS

#### A. "Abuse" means:

- a. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.
- b. Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or

deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.

- c. Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.
- d. The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

Abuse does not include actions specifically excluded by Minnesota Statutes section 626.5572, Subdivision 2.

- B. “Caregiver” means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- C. “Common entry point” means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult.
- D. “Financial Exploitation” means a breach of a fiduciary duty by an actor’s unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor’s failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult’s funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult’s will for the profit or advantage of another.
- E. “Immediately” means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
- A.F. “Mandated Reporters” means a professional or professional’s delegate while engaged in education.~~any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.~~
- B.G. “Maltreatment” means the neglect, abuse, or financial exploitation of a vulnerable adult.
- H. “Neglect” means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity

or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct.

- I. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minnesota Statutes section-§ 626.5572, Subdivision- 17.
- J. "School Personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- K. "Vulnerable Adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minnesota Statutes chapter- Ch. 245A, except as excluded under Minnesota Statutes section-§ 626.5572, Subdivision- 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.
- ~~C.~~ "Abuse" means: ~~(a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable~~

~~adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.~~

~~D.A. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.~~

~~E.A. "Vulnerable Adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minn. Stat. Ch. 245A, except as excluded under Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.~~

~~F. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.~~

~~G.A. "School Personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.~~

~~H.A. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.~~

#### IV. REPORTING PROCEDURES



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- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the common entry point responsible for receiving reports.
- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The reporter shall to the extent possible identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose *not public data* as defined under ~~Minnesota Statutes section~~ § 13.02 to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting, or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

## V. INVESTIGATION

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

## VI. DISSEMINATION OF POLICY AND TRAINING

- A. This policy ~~shall~~ should appear in school personnel handbooks ~~where~~ as appropriate.



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- B. The school district will develop a method of discussing this policy with employees ~~where~~ as appropriate.
- C. This policy ~~shall~~ should be reviewed at least annually for compliance with state law.

**Legal References:**

- Minn. Stat. § 13.02 (~~Government Data Practices; Collection, Security, and Dissemination of Records; Definitions~~)
- Minn. Stat. Ch. 245A 9Huan Services Licensing
- Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
- Minn. Stat. §§ 609.221-609.224 (Assault)
- Minn. Stat. § 609.23~~24~~ (Crimes Against ~~Vulnerable Adults~~the Person; ~~Definitions~~)
- Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)
- Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
- Minn. Stat. § 609.341 (Definitions)
- Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
- Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
- Minn. Stat. § 626.5572 (Definitions)
- In re Kleven*, 736 N.W.2d 707 (Minn. App. 2007)

**Cross References:**

- 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 403 (Discipline, Suspension, and Dismissal of School District Employees)
- MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
- MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
- MSBA/MASA Model Policy 511 (Protection and Privacy of Pupil Records)

**School Board Action:**

Adopted as Policy 415 on April 21, 2020

**Annual Review:**

<u>Month</u>	<u>Year</u>	<u>Notes</u>
June	21-22	Reviewed / No changes
Sept/Oct	22-23	Reviewed / Updated

## 410 FAMILY AND MEDICAL LEAVE POLICY

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the [Family and Medical Leave Act of 1993 \(FMLA\)](#) and consistent with the requirements of the Minnesota Parenting Leave laws.

### III. DEFINITIONS

#### A. “Covered Active duty means:

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

#### B. “Covered servicemember” means:

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, and was discharged or released under conditions other than dishonorable, at any time during the period of five years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.

- C. “Eligible employee” means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee’s pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee’s fulfillment of his or her USERRA-covered service obligation or a written agreement, including a collective bargaining agreement, exists concerning the school district’s intention to rehire the employee after the break in service.
- D. “Military caregiver leave” means leave taken to care for a covered servicemember with a serious injury or illness.
- E. “Next of kin of a covered servicemember” means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin.
- F. “Outpatient status” means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
1. A military medical treatment facility as an outpatient; or
  2. A unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.

G. “Qualifying exigency” means a situation where the eligible employee seeks leave for one or more of the following reasons:

1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
2. to attend military events and related activities of a covered military member;
3. to address issues related to childcare and school activities of a covered military member’s child;
4. to address financial and legal arrangements for a covered military member;
5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
6. to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period deployment;
7. to attend post-deployment activities related to a covered military member;
8. to address parental care needs of a covered military member’s parent who is incapable of self-care; and
9. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.

H. “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:

1. inpatient care in a hospital, hospice, or residential medical care facility; or
2. continuing treatment by a health care provider.

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



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been entered into in at least one state.

J. “Veteran” has the meaning given in 38 [United States Code section U.S.C. § 101](#).

#### IV. LEAVE ENTITLEMENT

##### A. Twelve-week Leave under Federal law

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

- a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
- b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:
  - 1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grad, rank, or rating; or
  - 2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
  - 3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - 4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken by one spouse to care for the other spouse who is seriously ill; to care for a child with a serious health condition; or because of the employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.

7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, or parent being on active duty, or notified of an impending call or order to active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.
11. The school district may require that a request for leave under Paragraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military member's active duty or a call to active duty status in support of a contingency operation and the dates of active duty service. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
12. During the period of a leave permitted under this policy the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be

responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may, in some situations, be required to reimburse the school district for the cost of the health plan premiums paid by it.

13. The school district may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. It shall be the responsibility of the superintendent to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

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

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

#### B. Twelve-week under State Law

An employee who does not qualify for parenting leave under Paragraphs IV.A.1.a. or IV.A.1.b. above may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed ~~by to by~~ the ~~school district~~ employer. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by ~~an~~ a period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the ~~employer-school district~~ so that the total leave does not exceed 12 weeks, unless agreed by the ~~school district~~ employer, or leave taken for the same purpose under FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the ~~school district employer~~ reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than

the mother, the leave must begin within 12 months after the child leaves the hospital..

**C. Twenty-six-week Servicemember Family Military Leave**

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs IV.A. and IV.C. above.
3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.
5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.
6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
7. The provisions of Paragraphs IV.A.6., IV.A.9., IV.A.11., IV.A.12., and IV.A.13. above shall apply to leaves under this section.

**V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES**

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not

limited to, teachers, coaches, driver's education instructors, and special education assistants.

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

## VI. OTHER



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

VII. DISSEMINATION OF POLICY

- A. This policy shall be conspicuously posted in each school district building in areas accessible to employees and families via the Fridley Public Schools' website.
B. This policy will be reviewed at least annually every three years or more for compliance with state and federal law.

Legal References:

Minn. Stat. §§ 181.940-181.944 (Parenting Leave and Accommodations)
29 U.S.C. § 2601 et seq. (Family and Medical Leave Act)
38 U.S.C. § 101 (Definitions)
29 C.F.R. Part 825 (Family and Medical Leave Act)

Cross References:

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

School Board Action:

Adopted as Policy 410 March 16, 2004
Revised August 18, 2009
Revised February 17, 2015
Revised May 17, 2016

Annual Review:

Table with 3 columns: Month, Year, Notes. Row 1: June, 2022, Reviewed / No changes



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## 416 DRUG AND ALCOHOL TESTING

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require a commercial driver's license will be required to undergo drug and alcohol testing in accordance with federal law and the applicable provisions of this policy. The school district also may request or require that drivers submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minnesota ~~state statute~~Statutes, sections 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minnesota ~~state statute~~Statutes, sections 181.950-181.957.
- C. The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed, including medical cannabis, ~~regardless of~~ or not it has been prescribed for the employee, is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school-sponsored program or event. Use of drugs ~~which that~~ which are not medically prescribed, including medical cannabis, ~~regardless of~~ or not it has been prescribed for the employee, is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs ~~which that~~ which are not medically prescribed are prohibited from entering or remaining on school district property.



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

### III. FEDERALLY MANDATED DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

- A. All persons subject to commercial driver's license requirements shall be tested for alcohol, marijuana (including medical cannabis), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to federal law. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.
- B. Contracted bus services will be responsible for meeting all state and federal requirements, including but not limited to implementing mandatory drug and alcohol testing of bus drivers. Contracted bus services will be responsible for affirming to the district in writing, as part of the contract, that it is in compliance with all federal and state mandatory drug and alcohol testing requirements and will not hire applicants who test positive.

### IV. DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES

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

- A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:
  - 1. General Limitations

- a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory ~~which participates in one of the programs that meets one of the criteria~~ listed in Minnesota ~~state statute~~ Statutes section 181.953, subdivision 1.
- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing on an arbitrary and capricious basis.

2. Job Applicant Testing

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

3. Random Testing

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

4. Reasonable Suspicion Testing

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

- a. is under the influence of drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school

district's premises or operating the school district's vehicles, machinery, or equipment;

- c. has sustained a personal injury, as that term is defined in Minnesota ~~state statute~~ Statutes, section 176.011, subdivision 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

5. Treatment Program Testing

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

6. Routine Physical Examination Testing

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

B. ● No Legal Duty to Test

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

C. Definitions

- 1. "Drug" means a controlled substance as defined in Minnesota Statutes, including medical cannabis, regardless of enrollment in the state registry program.
- 2. "Drug and Alcohol Testing," "Drug or Alcohol Testing," and "Drug or Alcohol Test" mean analysis of a body component sample according

~~to the standards established under one of the programs by a testing laboratory that meets one of the criteria~~ listed in Minnesota ~~state statute~~Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.

3. “Other Employees” means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver’s license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver’s license are primarily governed by the provisions of the school district’s drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver’s license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of “other employees.”
4. “Job ~~A~~applicant” means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver’s license, and includes a person who has received a job offer made contingent on the person’s passing drug or alcohol testing. Job applicants for positions requiring a commercial driver’s license are governed by the provisions of the school district’s drug and alcohol testing policy relating to school bus drivers (Section III.).
5. “Positive ~~T~~est ~~R~~esult” means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota ~~state statute~~Statutes, section 181.953, subdivision 1.
6. “Random ~~S~~election ~~B~~asis” means a mechanism for selection of employees that:
  - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
  - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
7. “Reasonable ~~S~~suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

8. “Safety-Sensitive Position” means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

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

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

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

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver’s license to undergo drug or alcohol testing, the school district shall provide the employee or job applicant with a Pretest Notice in the form of Attachment A to this policy on which to acknowledge that the employee or job applicant has received the school district’s drug and alcohol testing policy.

2. Notice of Test Results

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

3. Notice of and Right to Test Result Report

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

4. Notice of and Right to Explain Positive Test Result

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

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

c. The employee may present verification of enrollment in the medical cannabis patient registry as part of the employee's explanation.

d. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for marijuana. MROs will verify a drug test confirmed as positive, even if an employee claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.

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

5. Notice of and Right to Request Confirmatory Retests



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- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide ~~him or her~~ the individual with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
  - b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minnesota ~~state statute~~ Statutes, section 181.953, subdivision 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.
6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform ~~him or her~~ the individual of other rights provided under Sections F. or G., below, whichever is applicable.

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

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.



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3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
  - b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information or the employee's status as a patient enrolled in the medical cannabis registry program revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon or after hire or failing to do so would violate federal law or regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.
6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.

7. An employee must be given access to information in ~~his or her~~ the individual's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

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

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

H. Chain-of-Custody Procedures

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

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;
2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;
3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

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

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

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

4. Privilege

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

J. Notice of Testing Policy to Affected Employees

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

V. POSTING

The school district shall post notice in an appropriate and conspicuous location on its premises that it has adopted a drug and alcohol testing policy and that copies of the policy are available for inspection during regular business hours by its employees or job applicants in its personnel office or other suitable locations.



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***Legal References:***

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

Minn. Stat. Ch. 43 A (State Personnel Management)

[Minn. Stat. § 151.72 \(Sale of Certain Cannabinoid Products\)](#)

[Minn. Stat. § 152.01 \(Definitions\)](#)

Minn. Stat. § 152.22 (~~Definitions~~; Medical Cannabis; ~~Definitions~~)

Minn. Stat. § 152.23 (~~Limitations~~; Medical Cannabis; ~~Limitations~~)

Minn. Stat. § 152.32 (Protections for Registry Program Participation)

[Minn. Stat. § 176.011, subd. 16 \(Definitions; Personal Injury\)](#)

Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)

Minn. Stat. § 221.031 (Motor Carrier Rules)

49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)

[49 U.S.C. § 31306a \(National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators\)](#)

49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)

49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

***Cross-References:***

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 417 (Chemical Use and Abuse)

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

***School Board Action:***

Adopted as Policy 11.405 January 21, 1992

Revised as Policy 416 February 19, 2008

Revised December 20, 2011

Revised May 17, 2016

[Revised/First Reading September 20, 2022](#)



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## 417 Chemical Use and Abuse

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. Use or possession of controlled substances, toxic substance, medical cannabis, ~~toxic substances~~, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in ~~the school setting~~ in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. The ~~policy of this~~ school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement. ~~is to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.~~
- C. ~~The Every~~ school ~~district~~ that participates in a school district chemical abuse program shall establish ~~and maintain in every school~~ a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- ~~D. The superintendent, with the advice of the School Board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in the district.~~
- ~~D~~E. The school district shall establish ~~and maintain a~~ drug-free awareness program ~~to~~for educate and assist its employees, ~~students and others in understanding this policy and the goals of achieving drug free schools and workplaces.~~

### III. DEFINITIONS

- A. "Chemical abuse" as applied to students, means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially



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disordering behavior, to the extent that the ~~student's-minor's~~ normal function in academic, school, or social activities is chronically impaired.

- B. ~~“Chemicals” includes, but is not limited to, alcohol, toxic substances, medical cannabis, and controlled substances as defined in the school district’s Drug-Free Workplace/Drug-Free School policy. “Controlled substances,” as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes section 152.02 and “marijuana” as defined in Minnesota Statutes section 152.01, subdivision 9 but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, “controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.~~
- C. ~~“Drug prevention” means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.~~
- C. ~~“Use” includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.~~
- D. ~~“School location” includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school-district business. “Teacher” means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.~~

#### IV. STUDENTS

- A. Districtwide School Discipline Policy

Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the districtwide school student discipline policy.

Instruction

B. Programs and Activities

1. ~~Every~~ The school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes in chemical abuse and the prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
2. As part of its drug-free programs, the school district may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools. Each school shall have age appropriate and developmentally based activities that:
  - a. ~~address the consequences of violence and the illegal use of drugs, as appropriate;~~
  - b. ~~promote a sense of individual responsibility;~~
  - c. ~~teach students that most people do not illegally use drugs;~~
  - d. ~~teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;~~
  - e. ~~teach students about the dangers of emerging drugs;~~
  - f. ~~engage students in the learning process; and~~
  - g. ~~incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.~~
3. ~~Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.~~
4. ~~Each school shall disseminate drug and violence prevention information within the school and to the community.~~

- ~~5. Each school shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.~~
- ~~6. Each school shall have drug and violence prevention activities that may include the following:
  - ~~a. Community wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.~~
  - ~~b. The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of 417-4 youth drug and violence prevention activities under this policy that are implemented in the school.~~
  - ~~c. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.~~
  - ~~d. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.~~
  - ~~e. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.~~~~

~~CB. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance~~  
~~Chemical Use and Abuse~~

- ~~1. In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals in a school location:
  - ~~a. The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.~~
  - ~~b. The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.~~
  - ~~c. The administrator will notify law enforcement officials, the student's counselor, and the chemical preassessment team.~~~~

- ~~d. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with School Board policies regarding search and seizure.~~
  - ~~e. The school district will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.~~
2. ~~If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:~~
- ~~a. The employee shall notify the building administrator or a member of the preassessment team and shall describe the basis for the suspicion. The building administrator and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.~~
  - ~~b. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.~~
1. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team, or staff member assigned duties similar to those of such a team, of this information.
32. Students involved in the abuse, possession, transfer, distribution or sale of chemicals may shall be suspended and proposed for expulsion in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes, section §121A.40-121A.56, and proposed for expulsion.
43. Searches by school district officials in connection with the abuse, possession, or transfer, ~~distribution or sale of alcohol or a controlled substance~~ chemicals will be conducted in accordance with School Board policies related to search and seizure.

4. Nothing in paragraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

DE. Preassessment Team

1. Every school that participates in a school district chemical abuse program shall ~~establish~~have a chemical abuse preassessment team designated by the superintendent or designee. The team ~~will~~must be composed of classroom teachers, administrators, and to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff ~~to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.~~ For schools that do not have a chemical abuse program and team, the superintendent or designee will assign these duties to a designated school district employee.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

ED. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to ~~Minnesota~~ Statutes. §section 13.32 and applicable federal law and regulations.
2. Destruction of Records
  - a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
  - b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with ~~such~~ information about school or community services in connection with chemical abuse, records created or



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maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.

- c. ~~This section shall govern~~ Destruction of records identifying individual students shall be governed by paragraph IV.E.2. notwithstanding ~~provisions of the Records Management Act, Minnesota Statutes: §section 138.163 (Preservation and Disposal of Public Records).~~

#### ~~E~~F. Consent

Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

#### ~~F~~. School and Community Advisory Team

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

## V. EMPLOYEES

- A. The ~~school district shall establish~~ superintendent or designee shall undertake and ~~maintain~~ a drug-free awareness ~~and prevention~~ program to inform employees, ~~students and others~~ about:
  1. The dangers ~~and health risks~~ of ~~drugs~~chemical abuse in the workplace/~~school~~.
  2. The school district's ~~drug-free workplace/drug-free school~~ policy of maintaining a drug-free workplace.



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- 3. ~~Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees and/or students.~~
- 4. The penalties that may be imposed on employees for drug abuse violations.

B. The ~~school districts superintendent or designee~~ shall notify ~~any~~ federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of any criminal drug statute conviction ~~of an employee for a criminal drug statute violation~~ occurring in the workplace. ~~To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the superintendent.~~

**Legal References:**

- Minn. Stat. § 13.32 (Educational Data)
- Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)
- Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
- Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
- Minn. Stat. § 124D.695 (Approved Recovery Program Funding)
- Minn. Stat. § 126C.44 (Safe Schools Levy)
- Minn. Stat. § 138.163 (~~Preservation and Disposal of Public Records~~ Records Management Act)
- Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
- Minn. Stat. § 152.01 (Definitions)
- Minn. Stat. § 152.02 (Schedules of Controlled Substances; Administration of Chapter)
- Minn. Stat. § 152.22 (~~Definitions; Medical Cannabis; Definitions~~)
- Minn. Stat. § 152.22 (~~Limitations; Medical Cannabis; Limitations~~)
- 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
- 20 U.S.C. §§ 7101-~~7165~~ 7122 (Student Support and Academic Enrichment Grants ~~Safe and Drug-Free Schools and Communities Act)~~
- 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
- 34 C.F.R. Part 85 (Government-~~W~~ wide Requirements for Drug-Free Workplace)

**Cross References:**

- MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
- MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
- MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)
- MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)



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MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)

MSBA/MASA Model Policy 506 (Student Discipline)

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

MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

***School Board Action:***

Adopted as Policy 11.401 October 21, 1980

Revised as Policy 417 October 16, 2007

Revised July 16, 2013

Revised May 17, 2016

Revised/First Reading September 20, 2022

First Reading



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

### I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products), and controlled substances without a physician's prescription.

### II. GENERAL STATEMENT OF POLICY

- A. Use or possession of alcohol, ~~controlled substances~~, toxic substances, medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products), and controlled substances~~alcohol~~ before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. It shall be a violation of this policy for any student, teacher, administrator, other school district personnel, or member of the public to use alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products), or controlled substances ~~or medical cannabis~~ in any school location.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

### III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage containing more than one-half of one percent of alcohol by volume, malt beverage, fortified wine, or other intoxicating liquor.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section U.S.C. § 812, including analogues and look-alike drugs.
- C. "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- D. "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

EE. “Medical cannabis” means any species of the genus cannabis plant, or any mixture of preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method, excluding smoking, approved by the commissioner.

F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.

G. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

HD. “Toxic substances” includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the commissioner of health.~~or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.~~

EI. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products), and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.

~~F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.~~

~~G. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.~~

#### IV. EXCEPTIONS

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

## V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the school district's student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.
- F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility. This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medical cannabis.
- ~~FG.~~ Possession of alcohol on school grounds pursuant to the exceptions of ~~Minnesota Statutes, section-~~ § 624.701, ~~S~~ubdivision 1a, shall be by permission of the school board only. The



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applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

## VI. ENFORCEMENT

### A. Students

1. Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and nonintoxicating cannabinoids (including edible cannabinoid products).
2. Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and violence and appropriate referral to direct individual or group counselling service, which may be provide by school based mental health services providers; and/or referral to law enforcement officials when appropriate.
- ~~1.3.~~ A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.

~~2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.~~

### B. Employees

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction.
2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.



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4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

#### C. The Public

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

#### **Legal References:**

Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)  
Minn. Stat. § 121A.40-§ 121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)  
Minn. Stat. § 152.22, subd. 6 (Definitions; Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Limitations; Medical Cannabis; Limitations)  
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)  
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)  
Minn. Stat. § 609.684 (~~Sale of Toxic Substances to Children;~~ Abuse of Toxic Substances)  
Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)  
20 U.S.C. § 7101-7165 (~~Safe and Drug-Free Schools and Communities Act~~ Student Support and Academic Enrichment Grants)  
21 U.S.C. § 812 (Schedules of Controlled Substances)  
41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)  
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)  
34 C.F.R. Part 85 (Government-Wide Requirements for Drug-Free Workplace)

#### **Cross References:**

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)  
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 516 (Student Medication)

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