

General Meeting of the Board
Thursday, February 8, 2024 6:30 PM

Boardroom / Teleconference
1820 Xenium Ln N
Minneapolis, MN 55441-3790

Agenda

1. **CALL TO ORDER** (*Action*)
 - 1.1. Oath of Office (new Board Members)
2. **APPROVAL OF GENERAL MEETING AGENDA** (*Action*)
3. **AUDIENCE OPPORTUNITY TO SPEAK** (*Information*)
4. **APPROVAL OF CONSENT AGENDA** (*Action*)
 - 4.1. Organizational Board Minutes from January 25, 2024
 - 4.2. General Board Meeting Minutes from January 25, 2024
 - 4.3. Approval of the City of Richfield Economic Development Authority - Energy Efficient Business Grant
 - 4.4. Approval of Funds from Conservation Minnesota – Conservation Crew Grant
 - 4.5. Approval of Hennepin County Human Services and Public Health Department - Schools to Housing Grant
 - 4.6. Approval of Hospitality Minnesota Education Foundation Curriculum Grant
 - 4.7. Approval of 4th Allocation of Funds from the United States Department of Agriculture (USDA) – Food and Nutrition Service (FNS) - Supply Chain Assistance (SCA) Funds
 - 4.8. Approval of Walser Foundation Grant
5. **SHARE THE SUCCESS & RECOGNITION - (5 minutes)** (*Information*)
 - 5.1. Above & Beyond: Hennepin Technical College Programs
6. **SUPERINTENDENT'S REPORT - (15 minutes)**
 - 6.1. Legislative Update (*Information*)
7. **INSTRUCTIONAL REPORT - (15 minutes)** (*Information*)
 - 7.1. Care & Treatment Update
8. **BUSINESS SERVICES & LABOR RELATIONS REPORT - None**
 - 8.1. Facilities Report - None
 - 8.2. Financial Report - None
 - 8.3. Human Resource Report - None
9. **BOARD BUSINESS - (20 minutes)**
 - 9.1. Policy Review & Revision
 - 9.1.1. 501 School Weapon Policy (*Action*)
 - 9.1.2. 532 Involvement of Crisis Teams and Use of Peace Officers to Remove Students with IEPs from School Grounds Policy (*Action*)
 - 9.1.3. 515 Protection and Privacy of Pupil Records Policy (*Action*)
 - 9.1.4. 514 Bullying Prohibition Policy (*Information*)
 - 9.1.5. 516 Student Medication Policy (*Information*)
 - 9.2. Board Reports
 - 9.2.1. Chair Report - None
 - 9.2.2. AMSD Report
 - 9.2.2.1. February 2024 AMSD Connections Newsletter

9.3. District News

9.3.1. School Board 2024 & 2025 Calendars

9.3.2. February 8, 2024, Board Event Calendar

9.3.3. 2023-2024 Get on the Bus & Local 2209 Schedule

9.4. Once Around the Table

10. Closed Session: Negotiations

11. ADJOURNMENT

Racial Equity Impact Analysis Tool

287 RACIAL EQUITY IMPACT ANALYSIS TOOL



Purpose

This tool ensures that racial equity is front-and-center in discussions and prompts leaders to examine how BIPOC and low wealth communities may be affected by a proposed action or decision of the district.

Instructions

Use the Tool: Have this tool available during any meeting where decisions are being made

- **Part 1 - Discussion:** Use the guiding questions to facilitate the racial equity discussion
- **Part 2 - Answer Racial Equity Impact Analysis Questions:** Before a decision is made, respond to the four equity impact analysis questions within your meeting agenda
- **Part 3 - Reflect:** Reflect on and recognize your own racial bias, as well as the presence and role of whiteness

Part 1: Discussion

Use the below guiding questions to facilitate a discussion about race equity impact

Guiding Questions

1. Are multiple racial perspectives involved in the planning? Are participants racially diverse? Were the groups most impacted by the decision included in the discussion?
2. In what ways are we maintaining status quo or advancing race equity? What could be done differently to better support or advance racial equity efforts?
3. Who is advantaged? Who is disadvantaged? Are decisions based on the majority or those at the margins?
4. In what ways does colorblindness exist?
5. How do you know the audience is communicated with in ways that will make sense through *their* lens?
6. In what ways are other marginalized people impacted?

Part 2: Answer Racial Equity Impact Analysis Questions

1. **Who participated in completing this analysis?**
2. **What are the racial equity impacts of this decision?**
3. **Who will benefit from and/or be burdened by this decision?**
4. **Are there strategies to mitigate any unintended consequences of this decision?**

Part 3: Reflect

1. Place yourself on the Compass. What feelings came up for you during the planning?
2. What role did your race, experiences, or bias have in the conversation?
3. What aspects of whiteness showed up for you or were observed in others? ([Bellevue Guide](#))

DISTRICT 287 ORGANIZATIONAL BOARD MEETING
Intermediate District 287
January 25, 2024
MINUTES

1. CALL TO ORDER

The organizational meeting was called to order at 6:45 PM in the District Service Center and by the use of District 287 Teleconferencing.

A Roll Call was taken, and a quorum was declared with 10 member districts represented and the following Board members in attendance:

286	Brooklyn Center	Ruthie Dallas (virtual)
272	Eden Prairie	Kim Ross
273	Edina	Michael Birdman
270	Hopkins	Shannon Andreson
276	Minnetonka	Michael Remucal
280	Richfield	Crystal Brakke
281	Robbinsdale	ReNae Bowman
283	St. Louis Park	Anne Casey
284	Wayzata	Dan Ginestra
279	Westonka	Heidi Marty

Absent: 279/Mosqueda-Jones and 278/Orcutt

Guests: Jim Eichten

287 Administration: Superintendent Doud, Dr. Tonya Allen, Melissa Brateng, Camille Hepola, Ben Magras, Dr. Elisabeth Lodges Rogers, Brian Schultz, Gloria Wilder, Kevin Witherspoon, Kiarra Zackery, and Michele Wolff

287 Staff Members: Rachel Prost, John Preston, Talia Vital, and Jonas Sjoberg

2. Nominating Committee Report

Motion by Michael Birdman, seconded by Kim Ross, to accept Crystal Brakke as Board Chair for January 2024 - December 2024 calendar year as presented. No additional nominations. Motion carried unanimously.

Motion by Michael Birdman, seconded by Shannon Andreson, to accept Anne Casey as Board Vice-Chair for January 2024 - December 2024 calendar year as presented. No additional nominations. Motion carried unanimously.

Motion by Michael Birdman, seconded by Anne Casey, to accept Shannon Andreson as Board Clerk for January 2024 - December 2024 calendar year as presented. No additional nominations. Motion carried unanimously.

Motion by Michael Birdman, seconded by ReNae Bowman, to accept Ruthie Dallas as Board Treasurer for January 2024 - December 2024 calendar year as presented. No additional nominations. Motion carried unanimously.

Board member Brakke administered The Oath of Office to the attending new member Dan Ginestra.

3. APPROVAL OF ORGANIZATIONAL MEETING AGENDA

The general meeting agenda was presented for approval. *Motion by Michael Bowman, seconded by Heidi Marty, approve the organizational meeting agenda. All in favor. No votes against. Motion carried.*

4. APPROVAL OF CONSENT AGENDA

The Consent Agenda was presented for approval. The Consent Agenda included the Meeting Schedule for the Year, Recitation of Pledge of Allegiance, Appointment of Assistant Treasurer & Authorization for Payment of Claims, Appointment for Money Wire Transfers, Appointment of Financial Institutions/Official Depositories, Designation of Official Newspapers, Designation of Financial Advisory Service Consultant, Designation of Appraisal Services Consultant, Designation of Independent Auditing Firm, Designation of Actuarial Services Consultant, Authorization for Superintendent to Sign Contracts, Board Compensation, and Appointing School District Responsible Authority. *Motion by Michael Birdman, seconded by Kim Ross, to approve the Consent Agenda as presented. All in favor. Motion carried unanimously.*

A board member roster containing contact information was shared with the Board. Members were asked to make any changes to the document and return it to Waunee for finalization.

5. ADJOURNMENT

A motion was made by Anne Casey, seconded by Heidi Mary, to adjourn the organizational meeting. No votes against. Motion carried. Meeting adjourned at 6:42 PM.

The next general meeting will be held on February 8, 2024, at 6:30 PM in the District Service Center Boardroom and by Teleconference.

Submitted by
Wauneen Mgeni
Secretary to the Board

Signed: Chair _____ Clerk _____

Date _____ Date _____

21STRICT 287 GENERAL MEETING OF THE BOARD
Intermediate District 287
January 25, 2024
MINUTES

1. CALL TO ORDER

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284	Wayzata	Dan Ginestra
279	Westonka	Heidi Marty

Absent: 279/Mosqueda-Jones and 278/Orcutt

Guests: Yash Dagade and Jim Eichten

287 Administration: Superintendent Doud, Dr. Tonya Allen, Melissa Brateng, Camille Hepola, Ben Magras, Dr. Elisabeth Lodges Rogers, Brian Schultz, Gloria Wilder, Kevin Witherspoon, Kiarra Zackery, and Michele Wolff

287 Staff Members: Rachel Prost, John Preston, Talia Vital, and Jonas Sjoberg

2. APPROVAL OF GENERAL MEETING AGENDA

The general meeting agenda was presented for approval. *Motion by Shannon Anderson, seconded by Heidi Marty, approve the meeting agenda. All in favor. No votes against. Motion carried.*

3. OPEN FORUM FOR COMMUNITY COMMENTS - None

4. APPROVAL OF CONSENT AGENDA

The Consent Agenda was presented for approval. The Consent Agenda included the general meeting minutes from General Meeting of the Board Minutes from December 14, 2023, Routine Human Resources Activities for January 25, 2024, Approval of Monthly Financial Report – November 2023, Lawn Maintenance Service Agreement, Authorization of Issuance of Individual Procurement Cards (P-Cards), Local Collaborative Time study Sub-Contractor Agreement with Hennepin County, and Community Partner Agreement between Intermediate District 287 and YMCA Twin Cities. *Motion by Shannon Andreson, seconded by Michael Remucal to approve the Consent Agenda as presented. All in favor. Motion carried unanimously.*

5. SHARE THE SUCCESS & RECOGNITIONS

Talia Vital, Northern Star Online (NSO) Operations Manager, introduced Yash Dagade, Northern Star Online Mentor Connection Program student. Yash was recognized as a Regeneron Science Talent Search Scholar for his project titled “SkyWindFarm: Harnessing High Altitude Wind Power in a Scalable Manner.”

Superintendent Doud express her gratitude to our outgoing school board members, Sarah Johansen from Wayzata and Michèle Kunz from Orono, who have been incredible advocates for District 287 students.

8. BUSINESS SERVICES & LABOR RELATIONS REPORTS

Financial Report

Jim Eichten from Malloy, Montague, Karnowski, Radosevich & Co. presented a summary of the FY23 Audit. *Motion by Ann Casey, seconded by Dan Ginestra, to approve the FY23 Audit as presented, No votes against. Motion carried.* Eichten also commended the finance department for the high quality of the financial data and adherence to the budget.

6. SUPERINTENDENT’S REPORT

Superintendent Doud introduced Brian Schultz as the newly hired Executive Director of Business Services and Operations.

7. INSTRUCTIONAL REPORT - None

8. BUSINESS SERVICES & LABOR RELATIONS REPORTS – Cont.

Facilities Report – None

Financial Report

Brian Schultz, Executive Director of Business Services and Operations, presented the monthly financial report for December 2023. *Motion by Heidi Marty, seconded by Shannon Andreson, to approve the monthly financial reports as presented. All in favor. Motion carried unanimously.*

Human Resources Report - None

9. BOARD BUSINESS

Policy Review & Revision

Superintendent Doud presented the 501 School Weapon Policy, 532 Involvement of Crisis Trams and Use of Peace Officers to Remove Students with IEPs from School Grounds Policy, and 515 Protection and Privacy of Pupil Records Policy for a First Read.

AMSD Report

Board Chair Brakke gave a brief update on the last AMSD meeting.

Once Around the Table

10. CLOSED SESSION

Negotiations

At the recommendation of Board Chair Brakke, *a motion was made by Michael Birdman, seconded by ReNae Bowman; the school board may hold a closed meeting to consider a strategy for labor negotiations, pursuant to Minn. Stat. §13D.03. All in favor. Motion carried unanimously. The meeting was closed to the public at 8:35 PM. A motion was made by Dan Ginestra, seconded by Heidi Marty, to reopen the general meeting. All in favor. Motion carried unanimously. The general meeting reopened at 9:13 PM.*

11. ADJOURNMENT

Motion was heard and seconded to adjourn the meeting. Meeting adjourned at 9:14 PM.

The next general meeting will be held on February 8, 2024, at 6:30 PM in the District Service Center Boardroom and by Teleconference.

Submitted by
Wauneen Mgeni
Secretary to the Board

Signed: Chair _____

Clerk _____

Date _____

Date _____

CONSENT AGENDA - RECOMMENDATION



Intermediate District 287
RESPONSIVE. INNOVATIVE. SOLUTIONS.

Recommendation for Board Acceptance of the City of Richfield Economic Development Authority - Energy Efficient Business Grant

February 8, 2024

Author

Brian Schultz, Exec. Director of Business Services & Operations

Summary

Intermediate District 287 has been awarded \$2,500.00 from The City of Richfield. The funds from the grant will offset the cost of the new lighting system at South Education Center paid for in FY24.

Recommendation

It is recommended that the Board approves this award.

CONSENT AGENDA - RECOMMENDATION



Intermediate District 287
RESPONSIVE. INNOVATIVE. SOLUTIONS.

Recommendation for Board Acceptance of the funds from Conservation Minnesota – Conservation Crew Grant

February 8, 2024

Author

Brian Schultz, Exec. Director of Business Services & Operations

Summary

Intermediate District 287 has been awarded \$500.00 from Conservation Minnesota for the Conservation Crew Grant. Prairie Care – Edina Site # 532 will be using the funds to purchase items continue the recycling project. The grant runs from January 1, 2024 – May 31, 2024.

Recommendation

It is recommended that the Board approves this award.

CONSENT AGENDA - RECOMMENDATION



Intermediate District 287
RESPONSIVE. INNOVATIVE. SOLUTIONS.

Recommendation for Board Acceptance of the Hennepin County Human Services and Public Health Department – Schools to Housing Grant

February 8, 2024

Author

Brian Schultz, Exec. Director of Business Services & Operations

Summary

Intermediate District 287 has been awarded \$40,000.00 from Hennepin County Human Services and Public Health Department – Schools to Housing Grant. The funds from this grant will be used to identify families that are at risk of homelessness, connect with identified families, offer connections to the County, and participate in information sharing and monitoring of student engagement in school. The grant runs from January 1, 2024 – October 31, 2024.

Recommendation

It is recommended that the Board approves this award.

CONSENT AGENDA - RECOMMENDATION



Intermediate District 287
RESPONSIVE. INNOVATIVE. SOLUTIONS.

Recommendation for Board Acceptance of the Hospitality Minnesota Education Foundation Curriculum Grant

February 8, 2024

Author

Brian Schultz, Exec. Director of Business Services & Operations

Summary

Intermediate District 287 has been awarded \$2,500.00 from Hospitality Minnesota Education Foundation (HMEF) Curriculum Grant. The funds from the grant will be used to purchase ProStart curriculum to be used with the districts Pathway programs. The grant runs from October 1, 2023 – June 30, 2024.

Recommendation

It is recommended that the Board approves this award.

CONSENT AGENDA - RECOMMENDATION



Intermediate District 287
RESPONSIVE. INNOVATIVE. SOLUTIONS.

Recommendation for Board Acceptance of the 4th allocation of funds from the United States Department of Agriculture (USDA) – Food and Nutrition Service (FNS) - Supply Chain Assistance (SCA) funds

February 8, 2024

Author

Brian Schultz, Exec. Director of Business Services & Operations

Summary

Intermediate District 287 has been awarded \$25,770.96 from the 4th allocation of funds from the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS)-Supply Chain Assistance (SCA) funds. The funds will be used to offset the challenges our school nutrition program has been faced with due to supply chain disruptions. Funds will be used to purchase domestically grown, unprocessed or minimally processed foods. The grant start date is November 1, 2023 with no stated deadline to spend the funds.

Recommendation

It is recommended that the Board approves this award.

CONSENT AGENDA - RECOMMENDATION



Intermediate District 287
RESPONSIVE. INNOVATIVE. SOLUTIONS.

Recommendation for Board Acceptance of the Walser Foundation Grant

February 8, 2024

Author

Brian Schultz, Exec. Director of Business Services & Operations

Summary

Intermediate District 287 has been awarded \$14,033.00 from The Walser Foundation. The funds from the grant will be used to purchase equipment and tools for the Automotive Pathway Programs. The funds are available from January 1, 2024 – June 30, 2024.

Recommendation

It is recommended that the Board approves this award.

MINNESOTA INTERMEDIATE SCHOOL DISTRICTS 2024 LEGISLATIVE PRIORITIES

1

CHANGES TO SPECIAL EDUCATION EXCESS AID FOR SPECIAL EDUCATION SETTING IV PROGRAMS



Intermediates and educational service agencies who primarily serve students in a federal special education instructional setting IV program have a reduction in state special education excess cost aid because the formula requires a portion of the student's general education aid to subsidize special education expenses. This results in a reduction in the amount of special education aid available to provide programming for students with the most significant needs.

General education revenue should not be used to subsidize special education excess cost aid, and it should not be targeted to a group of students based on their level of special education services.

We propose to amend the language regarding special education excess cost aid for students primarily served in federal education instructional setting IV programs. Doing so would align funding resources with programs to meet student's needs, general education graduation requirements, and special education mandates.

2

ELIMINATE DISTRICT FISCAL RESPONSIBILITIES FOR STUDENTS IN CARE AND TREATMENT FACILITIES WHO ARE WARDS OF THE STATE

When a student who is a ward of the state is enrolled in a residential treatment facility, the district where the facility is located is responsible for paying for the educational costs in the current year, even if the student has never attended school in that district. These high costs and cash flow delays significantly burden the district's finances and can risk their financial stability.

We propose to clarify school district responsibilities for students who are wards of the state housed in residential facilities.



3

SUPPORT INTERMEDIATE TEACHER APPRENTICESHIP INITIATIVES

The four Intermediate School Districts are establishing registered teacher apprenticeships to assist non-licensed staff in obtaining licensure, specifically in special education. This model allows participating staff to continue to work in the classroom while moving toward licensure through on-the-job training. These programs are coordinated with the MN Department of Labor and Industry apprenticeship programs and are aligned with state educator licensure requirements. This innovative model will bolster the educator workforce, help address the special education teacher shortage, and provide high-quality on-the-job training for future educators.



We ask the legislature to provide \$1 million to be used over three years to support the development and training of apprentices and journey workers participating in these programs.

4

ALLOW DISTRICTS TO HOLD IN RESERVE STUDENT SUPPORT AID



Currently, school districts are not allowed to reserve unused student support aid. Several factors make it difficult for districts to utilize these funds - districts compete for the same pool of licensed candidates, and historic staffing shortages have reduced the number of candidates applying for positions. As a result, districts are having difficulty finding qualified staff for these positions.

We propose to allow districts to reserve this funding until they can find qualified staff. This would allow districts to utilize these resources to meet the purposes of the funds and support the significant needs of our students now and into the future.

MINNESOTA INTERMEDIATE SCHOOL DISTRICTS

Intermediate School District 287

Superintendent Marcy Doud
www.district287.org
 Plymouth, Minnesota

Intermediate District 287
 Responsive. Innovative. Solutions.

Intermediate School District 288

Superintendent Darren Kermes
swmetro.ss9.sharpschool.com
 Shakopee, Minnesota



Intermediate School District 916

Superintendent Dr. Val Rae Boe
www.916schools.org
 White Bear Lake, Minnesota



Intermediate School District 917

Superintendent Dr. Michael Favor
www.isd917.org
 Rosemount, Minnesota





Be Like Water:
**Responsive School Improvement in Unique
School Settings**

Council for Exceptional Children

2024 Conference: San Antonio Texas

Presenters

Sarah Baker

Dani Berry

Samantha Thompson

Intermediate District 287



Intermediate District 287

Care & Treatment Programs

- **Partners with five organizations at eight sites**
- **Educates general and special education students in hospitals, day treatments, residential facilities, and adjudicated youth**
- **Federal Setting One Programs**
- **Enrollment varies at each site, from 1 day to 18 months**

What do Care & Treatments provide in 287?

- **Provide academic instruction to those receiving care/treatment in settings like hospitals, treatment centers, juvenile detention centers**
- **Allow students to continue their education despite circumstances that require care outside of traditional school**
- **Curriculum aligned to state standards, grades/credits given**

Building a SIP Team that Works:

The Mission

In Care and Treatment we create safe, empowering learning environments where a whole-child approach to education promotes a passion for lifelong learning and prepares all students to meet their future goals and aspirations.

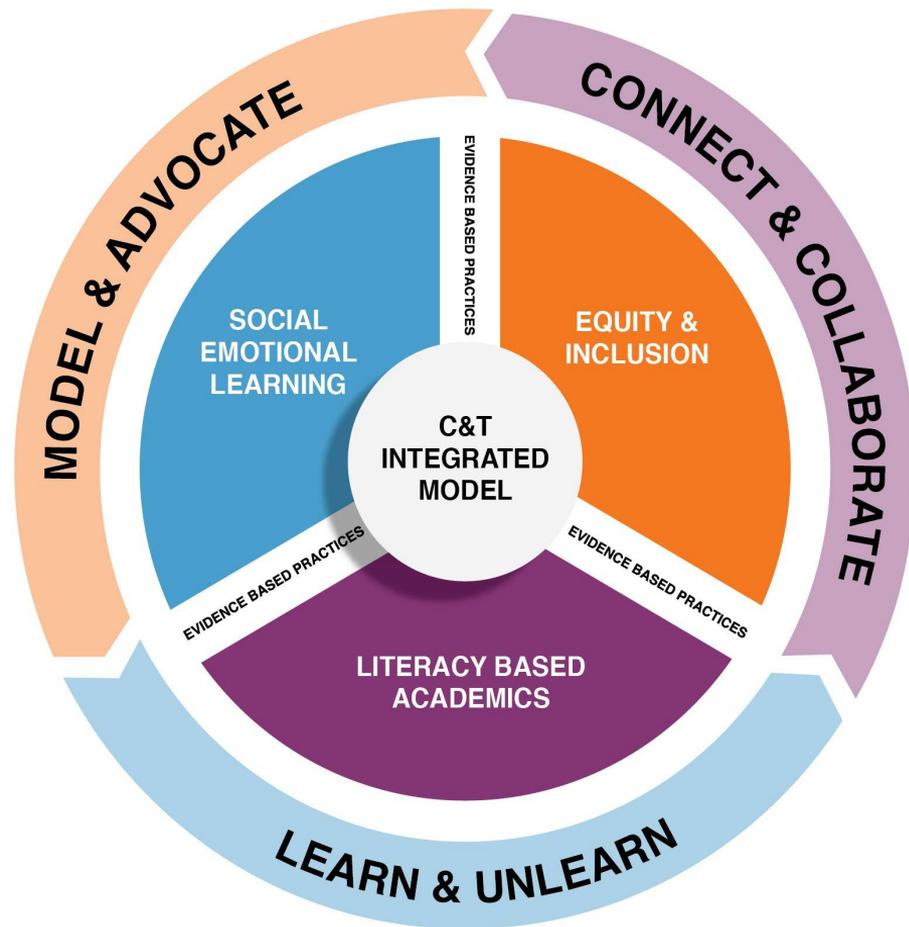


Building a SIP Team that Works: PD Frameworks

- Self-Awareness
- Relationship Skills
- Racial Identity
- Literacy



C&T Integrated Approach



Shifting the Data Paradigm

- “Doing Data”
- What do students need?
- SEAS - An Integrated Approach

We still use data!

Safety & Empowered Belonging

ENTRANCE

49%

EXIT

80%

*% of students reporting **safety and empowered belonging** across all C&T Programs
22-23 School Year Results from SEAS*

We still use data!

Reading Identity

ENTRANCE

59%

EXIT

64%

*% of students reporting **positive reading identity** across all C&T Programs
22-23 School Year Results from SEAS*

I'm grateful for my teachers. I learned so much, and I am very thankful. I know so much more about life because of them. They always support me, and will talk to me if I have a tough day. They care about me!

My teacher helped me enjoy reading again. If I wanted a book she'd get it.

They are kind and helpful not only that but I feel comfortable like they knew my name on my first day

i loved the school it was the highlight of my day

**C&T
STUDENTS
HAVE SAID**

everyone was really nice and sportive to me and i loved that alot

I really like how my teacher make me feel. I loved my school experience here

They make me feel very welcomed and make me feel like I belong :)

They care more about me than my work.



Thank You!

What questions do you have?



INTERMEDIATE DISTRICT 287
PLYMOUTH, MINNESOTA
BOARD OF EDUCATION

Regular Meeting – February 8, 2024

AGENDA SECTION: SUPERINTENDENT REPORT

ITEM: 501 School Weapon Policy

PRESENTED BY: Superintendent Doud

1. Background Information

Approval of 501 School Weapon Policy.

2. Fiscal Impact/Funding Source:

3. RECOMMENDED ACTION: **The Board approves the 501 School Weapon Policy as presented.**

Motion by: _____ Yes ___ Passed ___

Second by: _____ Yes ___ Failed ___

Abstentions: _____

Intermediate District 287

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DISTRICT POLICY

Second Read

POLICY SERIES: 500 Students

BOARD APPROVED: September 2012

REVISION DATE: October 2014, October 2016, February 2024

501 SCHOOL WEAPONS POLICY

I. PURPOSE

The purpose of this policy is to promote a safe school environment for students, staff, and the public.

II. GENERAL STATEMENT OF POLICY

No student or non-student, including adults and visitors, shall possess, use, or distribute a weapon when in a District location except as provided in this policy. The District will act to enforce this policy and to discipline or take other appropriate action against any student, teacher, administrator, other District employee, contractor, volunteer, bus driver, or member of the public who violates this policy. In cases in which the District operates programs on sites owned by other entities, the District will consider the policies of the host organization or other district.

III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

- A. "Weapon" means any object, device or instrument designed as a weapon or otherwise capable of threatening or producing bodily harm or which may be used to inflict self-injury, including, but not limited to, any firearm, whether loaded or unloaded; air guns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace and other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
- B. No person shall possess, use, or distribute any object, device, or instrument having the appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons including, but not limited to, weapons listed above, which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
- C. No person shall use articles designed for other purposes (e.g., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and use of a weapon.
- D. "District location" includes any District building or grounds, whether leased, rented, owned, or controlled by the District, District bus stops, busses or vehicles, District contracted vehicles, the area of entrance or departure from District premises or events, and locations of District-related functions, District-sponsored activities, events, or trips.

- E. “Immediately” means as soon as possible.
- F. “Possession” means having a weapon on one’s person or in an area subject to one’s control in a District location.
- G. “Dangerous Weapon” means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner, it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. As used in this definition, "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor (examples include but are not limited to: acetone, denatured alcohol, ethyl alcohol, gasoline, isopropyl alcohol, methyl alcohol, jet fuels or turpentine). As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit (examples include but are not limited to: diesel fuel, fuel oils, kerosene, or mineral spirits).

IV. EXCEPTIONS

- A. A student who finds a weapon on the way to a District location or a student who discovers that they accidentally have a weapon in their possession and takes the weapon immediately to the building principal/supervisor shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the building principal/supervisor, a student shall not be considered to possess a weapon if they immediately turns the weapon over to an administrator or teacher or immediately notifies an administrator or teacher of the weapon’s location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
 - 1. active, licensed peace officers;
 - 2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
 - 3. persons authorized to carry a pistol under Minnesota Statutes section 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
 - 4. persons who keep or store in a motor vehicle pistols in accordance with Minnesota Statutes section 624.714 or 624.715 or other firearms in accordance with Minnesota Statutes section 97B.045;
 - a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for “antique firearms which are carried or possessed as curiosities or for their historical significance or value.”
 - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with Sections 624.714 and 624.715.
 - 5. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;

6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
 7. a gun or knife show held on school property;
 8. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
 9. persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.
- C. **Policy Application to Instructional Equipment/Tools**
 While the District takes a firm position on the possession, use, or distribution of weapons by students and a similar position with regard to non-students, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or non-students. Such equipment and tools, when properly possessed, used, and stored, shall not be considered in violation of the rule against the possession, use, or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.
- D. **Firearms in School Parking Lots and Parking Facilities**
 A school district may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the “lawful” carry or possession of a firearm in a school parking lot or parking facility is specifically limited to nonstudent permit-holders authorized under Minnesota Statutes section 624.714 to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder’s vehicle shall constitute a violation of this policy.
- V. CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/ DISTRIBUTION**
- A. The school district does not allow the possession, use, or distribution of weapons by students. Consequently, the minimum consequence for students willfully possessing, using, or distributing weapons will include:
1. immediate out-of-school suspension;
 2. confiscation of the weapon;
 3. immediate notification of police;
 4. parent or guardian notification; and
 5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.
- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school may be expelled for at least one year.
- C. **Administrative Discretion**
 The superintendent may use discretion in determining whether, under the circumstances, a course of action other than imposing standard disciplinary consequences is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline. The superintendent shall inform the criminal justice or juvenile delinquency system as soon as practicable when a student brings a firearm to school unlawfully.

D. Other Nonstudents

1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.
2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

VI. REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES

The school district must electronically report to the Minnesota Commissioner of Education incidents involving the use or possession of a dangerous weapon in school zones, as required under Minnesota Statutes section 121A.06.

Legal References:

[Minn. Stat. § 97B.045](#) (Transporting Firearms)
[Minn. Stat. § 121A.05](#) (Policy to Refer Firearms Possessor)
[Minn. Stat. § 121A.06](#) (Reports of Dangerous Weapon Incidents in School Zones)
[Minn. Stat. §§ 121A.40-121A.56](#) (Pupil Fair Dismissal Act)
[Minn. Stat. § 121A.44](#) (Expulsion for Possession of Firearm)
[Minn. Stat. § 152.01, subd. 14\(a\)](#) (Definition of a School Zone)
[Minn. Stat. § 609.02, subd. 6](#) (Definition of Dangerous Weapon)
[Minn. Stat. § 609.605](#) (Trespass)
[Minn. Stat. § 609.66](#) (Dangerous Weapons)
[Minn. Stat. § 624.714](#) (Carrying of Weapons without Permit; Penalties)
[Minn. Stat. § 624.715](#) (Exemptions; Antiques and Ornaments)
[18 U.S.C. § 921](#) (Definition of Firearm)
[In re C.R.M., 611 N.W.2d 802](#) (Minn. 2000)
[In re A.D., 883 N.W.2d 251](#) (Minn. 2016)

Cross References:

[MSBA/MASA Model Policy 403](#) (Discipline, Suspension, and Dismissal of School District Employees)
[MSBA/MASA Model Policy 506](#) (Student Discipline)
[MSBA/MASA Model Policy 525](#) (Violence Prevention)
[MSBA/MASA Model Policy 903](#) (Visitors to School District Buildings and Sites)

INTERMEDIATE DISTRICT 287
PLYMOUTH, MINNESOTA
BOARD OF EDUCATION

Regular Meeting – February 8, 2024

AGENDA SECTION: SUPERINTENDENT REPORT

ITEM: 532 Involvement of Crisis Teams & Use of Police Officers to Remove Students with IEPs from School Grounds Policy

PRESENTED BY: Superintendent Doud

1. Background Information

Approval of 532 Involvement of Crisis Teams and Use of Peace Officers to Remove Students with IEPs from School Grounds Policy.

2. Fiscal Impact/Funding Source:

3. RECOMMENDED ACTION: **The Board approves the 532 Involvement of Crisis Teams and Use of Peace Officers to Remove Students with IEPs from School Grounds Policy as presented.**

Motion by: _____ Yes ____ Passed ____

Second by: _____ Yes ____ Failed ____

Abstentions: _____

Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

DISTRICT POLICY

Second Read

POLICY SERIES: 500 Students

BOARD APPROVED: September 2012

REVISION DATE: October 2014, October 2016, February 2024

532 Involvement of Crisis Teams & Use of Police Officers to Remove Students with IEPs from School Grounds

I. PURPOSE

The purpose of this policy is to describe the removal of a student with an individualized education program (IEP) from school grounds by a peace officer or county crisis team.

II. GENERAL STATEMENT OF POLICY

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

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

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

III. DEFINITIONS

For the purposes of this policy, the following terms are defined as:

- A. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- B. "Emergency" means a situation where immediate intervention is needed to protect a student or other individual from physical injury ~~or to prevent serious property damage.~~
- C. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- D. "Police liaison officer" is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.

- E. The phrase “remove the student from school grounds” is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. “Student with an IEP” or “the student” means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

IV. CRISIS TEAM INVOLVEMENT OF STUDENTS WITH IEPs

- A. Request Crisis Team Support
- B. If the behavior of a student with an IEP escalates to the point where the student’s behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team may be summoned. The crisis team may attempt to de-escalate the student’s behavior by means including, but not limited to, those described in the student’s IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student’s behavior continues to endanger or may endanger their health, safety, or other students, or staff members, the crisis team may remove the student and go to a safe location within the school.
If the student’s behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.
- C. Removal By Police Liaison Officer or Peace Officer
- D. If a student with an IEP engages in conduct which endangers or may endanger the health, safety of the student, other students, or staff members, the school building’s crisis team, building administrator, or the building administrator’s designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

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

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

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

- E. Reasonable Force Permitted
 - 1. In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the police liaison officer, or other agents of the school district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another
 - 2. In removing a student with an IEP from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:
 - a. Corporal punishment prohibited by Minnesota Statutes, section 121A.58;

- b. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
 - c. Totally or partially restricting a child's senses as punishment;
 - d. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
 - e. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes, Chapter 260E;
 - f. Physical holding (as defined in Minnesota Statutes, section 125A.0941) that restricts or impairs a child's ability to breathe restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
 - g. Withholding regularly scheduled meals or water; and/or
 - h. Denying a child access to toilet facilities.
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379, which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

F. Parental Notification

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

G. Continued Removals; Review of IEP

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

H. Effect of Policy in an Emergency; Use of Restrictive Procedures

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

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

I. Reporting to the Minnesota Department of Education (MDE)

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

Legal References:

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

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

Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)

Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)

Minn. Stat. § 121A.67 (Removal by Police Officer)

Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)

Minn. Stat. § 609.06 (Authorized Use of Force)

Minn. Stat. § 609.379 (Permitted Actions)

20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))

20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Act)

34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

Cross References:

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 507 (Corporal Punishment)

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

MSBA/MASA Model Policy 525 (Violence Prevention)

MSBA/MASA Model Policy 806 (Crisis Management Policy)

INTERMEDIATE DISTRICT 287
PLYMOUTH, MINNESOTA
BOARD OF EDUCATION

Regular Meeting – February 8, 2024

AGENDA SECTION: SUPERINTENDENT REPORT

ITEM: 515 Protection and Privacy of Pupil Records Policy

PRESENTED BY: Superintendent Doud

1. **Background Information**

Approval of 515 Protection and Privacy of Pupil Records Policy.

2. **Fiscal Impact/Funding Source:**

3. **RECOMMENDED ACTION:** **The Board approves the 515 Protection and Privacy of Pupil Records Policy as presented.**

Motion by: _____ Yes ___ Passed ___

Second by: _____ Yes ___ Failed ___

Abstentions: _____

Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

DISTRICT POLICY

Second Read

POLICY SERIES: 500 Students

BOARD APPROVED: February 2013

REVISION DATE: February 2024

515 Protection and Privacy of Pupil Records

I. PURPOSE

The purpose of this policy is to articulate the school district's responsibility in regard to the collection, maintenance, and dissemination of student data and the protection of the privacy rights of students as provided in federal law and state statutes.

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 United States Code, section 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 Code of Federal Regulations part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, and Minnesota Rules, parts 1205.0100-1205.2000.

III. DEFINITIONS

A. Authorized Representative

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

B. Biometric Record

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

C. Dates of Attendance

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

D. Directory Information

1. "Directory information," under federal law, means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status (i.e., full-time or part-time); participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include:
 - a. a student's social security number;
 - b. a student's identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
 - c. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student; or
 - d. personally identifiable data which references religion, race, color, social position, or nationality;
2. Under Minnesota law, a school district may not designate a student's home address, telephone number, email address, or other personal contact information as "directory information."

E. Education Records

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

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

However, records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student are education records.

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

F. Education Support Services Data

"Education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under Minnesota Statutes, section 13.46.

Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to Minnesota Statutes, section 13.05 or a court order.

G. Eligible Student

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

H. Juvenile Justice System

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

I. Legitimate Educational Interest

“Legitimate educational interest” includes an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data.

It includes a person’s need to know in order to:

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

J. Parent

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

K. Personally Identifiable

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

L. Record

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

M. Responsible Authority

“Responsible authority” means the Superintendent.

N. Student

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

- O. School Official
“School official” includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.
- P. Summary Data
“Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.
- Q. Other Terms and Phrases
All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

IV. GENERAL CLASSIFICATION

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

V. STATEMENT OF RIGHTS

A. Rights of Parents and Eligible Students

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

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

B. Eligible Students

All rights and protections given to parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an “eligible student.” However, the parents of an eligible student who is also a “dependent student” (parents maintain legal guardianship or parent claims on income taxes) are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education

records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 Code of Federal Regulations section 99.31(a).

C. Students with a Disability

The school district shall follow 34 Code of Federal Regulations sections 300.610-300.617 with regard to the privacy, notice, access, recordkeeping, and accuracy of information related to students with a disability.

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

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

- g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or non-cancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minnesota Statutes, chapter 256B or Minnesota Care under Minnesota Statutes, chapter 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

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

B. Prior Consent for Disclosure Not Required

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

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
 - a. performs an institutional service or function for which the school district would otherwise use employees;
 - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
 - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made;
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 United States Code section 7917, and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes, section 260B.171, unless the data are required to be destroyed under Minnesota Statutes, section 120A.22, subdivision 7(c) or section 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;
4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;

5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
 - a. determine eligibility for the aid;
 - b. determine the amount of the aid;
 - c. determine conditions for the aid; or
 - d. enforce the terms and conditions of the aid.

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

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released; or
 - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule, attendance record, and photographs, if any; and parents’ names, home addresses, and telephone numbers;
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, “organizations,” includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code section 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as a plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;

15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
 - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
 - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

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

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

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

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

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

22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

VII. RELEASE OF DIRECTORY INFORMATION

A. Educational Data

1. Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:
 - a. Minnesota Statutes, section 13.32, subdivision 5; and
 - b. United States Code, title 20, section 1232g, and Code of Federal Regulations, title 34, section 99.37, which were in effect on January 3, 2012.
2. The school district may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under this section.
3. When requested, the school district must share personal contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

B. Former Students

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

C. Present Students and Parents

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

1. When conducting the directory information designation and notice process required by federal law, the school district shall give parents and students notice of the right to refuse to let the district designate specified data about the student as directory information.
2. The school district shall give annual notice by any means that are reasonably likely to inform the parents and eligible students of:
 - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;

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

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

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

B. Private Records Not Accessible to Parent

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

1. The responsible authority (Superintendent) may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
 - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
 - b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
 - c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
 - d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
 - e. whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes, sections 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

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

D. Military-Connected Youth Identifier

When a school district updates its enrollment forms in the ordinary course of business, the school district must include a box on the enrollment form to allow students to self-identify as a military-connected youth. For purposes of this section, a "military-connected youth" means having an immediate family member, including a parent or sibling, who is currently in the armed forces either as a reservist or on active duty or has recently retired from the armed forces. Data collected under this provision is private data on individuals, but summary data may be published by the Department of Education.

IX. **DISCLOSURE OF CONFIDENTIAL RECORDS**

A. Confidential Records

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

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minnesota Statutes, chapter 260E, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes, chapter 260E.

Regardless of whether a written report is made under Minnesota Statutes, chapter 260E, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

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

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

D. Chemical Abuse Records

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

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

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

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

- A. The school district will release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by the school district, if available, that may be released to military recruiting officers only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military;
 2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces; and
 3. copying fees shall not be imposed.
- C. A parent or eligible student has the right to refuse the release of the name, address, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the Superintendent in writing by July 1 each year. The written request must include the following information:
1. Name of student and parent, as appropriate;
 2. Home address;
 3. Student's grade level;
 4. School presently attended by student;
 5. Parent's legal relationship to student, if applicable;
 6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
 7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.

- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, home phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

XII. LIMITS ON REDISCLOSURE

A. Redisclosure

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

B. Redisclosure Not Prohibited

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:
 - a. The disclosures meet the requirements of Section VI. of this policy; and
 - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code section 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

C. Classification of Disclosed Data

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

D. Notification

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family

Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 Code of Federal Regulations section 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in section 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING

A. Responsible Authority (Superintendent)

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

B. Record Security

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

C. Plan for Securing Student Records

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

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

D. Review of Written Plan for Securing Student Records

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

E. Record Keeping

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

- c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 Code of Federal Regulations section 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code section 2332b(g)(5)(B) or an act of domestic or international terrorism.
4. The record of requests of disclosures may be inspected by:
 - a. the parent of the student or the eligible student;
 - b. the school official or his or her assistants who are responsible for the custody of the records; and
 - c. the parties authorized by law to audit the record-keeping procedures of the school district.
5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
 - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
 - b. the parties to whom the school district disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

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

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

B. Response to Request for Access

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

C. Right to Inspect and Review

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

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

D. Form of Request

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

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

1. The school district may charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
 - a. the cost of materials, including paper, used to provide the copies;
 - b. the cost of the labor required to prepare the copies;
 - c. any schedule of standard copying charges established by the school district in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine-based record-keeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.

2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records

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

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

B. Right to a Hearing

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

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

C. Conduct of Hearing

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

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minnesota Statutes, chapter 14 relating to contested cases.

XVI. PROBLEMS ACCESSING DATA

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

XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the U.S. Department of Education, Student Privacy Policy Office, 400 Maryland Avenue S.W., Washington, D.C. 20202-8520.

B. Content of Complaint

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

XVIII. WAIVER

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

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. Contents of Notice

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

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
 2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
 3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
 4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
 5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
 6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.
- B. Notification to Parents of Students Having a Primary Home Language Other Than English
The school district shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.
- C. Notification to Parents or Eligible Students Who are Disabled
The school district shall provide for the need to effectively notify parents or eligible students identified as disabled.

XX. DESTRUCTION AND RETENTION OF RECORDS

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

XXI. COPIES OF POLICY

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

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

Minn. Stat. § 13.32, Subd. 5 (Directory Information)

Minn. Stat. § 13.393 (Attorneys)

Minn. Stat. Ch. 14 (Administrative Procedures Act)

Minn. Stat. § 120A.22 (Compulsory Instruction)

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

Minn. Stat. § 121A.75 (Receipt of Records; Sharing)

Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)

Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)

Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)

Minn. Stat. Ch. 256L (MinnesotaCare)

Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)

Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)

Minn. Stat. § 363A.42 (Public Records; Accessibility)

Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)

Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)

10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)

18 U.S.C. § 2331 (Definitions)
18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)
20 U.S.C. § 7908 (Armed Forces Recruiting Information)
20 U.S.C. § 7917 (Transfer of School Disciplinary Records)
25 U.S.C. § 5304 (Definitions – Tribal Organization)
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)
42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)
Gonzaga University v. Doe, 536 U.S. 273 309 (2002)
Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

Cross References: MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)
MSBA/MASA Model Policy 520 (Student Surveys)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 722 (Public Data Requests)
MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)
MSBA School Law Bulletin “I” (School Records – Privacy – Access to Data)

Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

Policy Summary

Policy 514 Bullying Prohibition Policy

Date: January 16, 2024

Policy Last Reviewed: October 2016

Overview of Recommendations:

This policy is being reviewed to include updated language from the MN School Board Association (MSBA).

Summary of Changes:

- POLICY SERIES and Title change to align with MSBA title and numbering of policies.
- I. PURPOSE
 - A. Removed old language and replaced it with MSBA model language to provide clarity and acknowledge that not all bullying may be under the supervision of staff; however, if there is a nexus to the school district, the district will investigate.
- II. GENERAL STATEMENT POLICY
 - Removed the entire section and updated with MSBA model language as language included recent legislative updates as well as was more clear in expectations of students and staff.
- III. STUDENT AND STAFF RESPONSIBILITIES
 - Removed the entire section as components were addressed in the new language in II. GENERAL STATEMENT POLICY
- III. DEFINITIONS
 - Renumbered due to the deletion of the old III. section
 - All new language is based on legislative changes and MSBA's recommendation to provide additional definitions.
- IV. REPORTING
 - Renumber Section
 - A. Removed gender pronouns and replaced with "they" and changed official to staff
 - B. Update title with current leadership structure.
 - C. Added new language recommended from MSBA's model policy
 - D. Added new language recommended from MSBA's model policy
 - E. Update title with current leadership structure.
 - F. Update title with current leadership structure.
 - G. and H. Added new language recommended from MSBA's model policy
- V. DISTRICT RESPONSES
 - Renumber Section
 - Removed old language and updated with language recommended from MSBA's model policy, which is based on new legislation.

- VI. TRAINING AND EDUCATION
 - Renumber Section
- VII. RETALIATION
 - Renumber Section
- VIII. NOTICE
 - Removed old language and updated with language recommended from MSBA’s model policy, which is based on new legislation.
- Legal References and Cross References
 - Updated both sections with current references provided by MSBA

Equity Impact:

The AdHoc discuss these questions:

- Who is impacted in these changes/ Who’s voice was at the table?
- Who is benefiting from these changes?
- Who is intentionally being marginalized?

The groups that completed the review of our current policy and the updated MSBA policy included Principals, Assistant Principals, Special Education Administration, SIT, Safety Student Coaches, a Social Studies classroom at SECA (6 students), and multiple social studies classrooms at Care and Treatment (3 students).

Students expressed concerns that it is unfair to students who get accused of bullying on their student record and get in trouble when they have done nothing wrong.” Discussion from staff to students included the importance of the investigation and enough evidence. They also recommended pronoun neutral language.

Staff discussed the need to provide training to new staff when onboarding. Also around the continued need for professional development on unbiased investigations.

Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

DISTRICT POLICY

First Read

POLICY SERIES: Student Rights & Responsibilities

SUBJECT: Bullying

BOARD APPROVED: September 2012, June 2014

REVISION DATE: October 2016, March 2024

~~SRR 140 Bullying~~ **514 Bullying Prohibition Policy**

I. PURPOSE

~~The District is committed to compliance with the law and strives to maintain a safe and supportive learning environment. In consideration of the District's unique student population, the District will implement the law in a manner that serves students according to their individual needs with the goal of keeping all students in the learning environment. This policy provides a framework for engaging all students and staff in preventing, reporting and responding to acts of bullying with interventions appropriate to the circumstances and each student's needs.~~

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

II. GENERAL STATEMENT OF POLICY

~~The District is committed to providing innovative educational services that meet the unique needs of students. To that end, the Board advocates a proactive approach to any student behavior that may disrupt another student's learning environment. The Board recognizes and supports District staff in their efforts to educate students about the importance of respectful communication and the need to conduct themselves in~~

~~a manner that does not interfere with the rights and privileges of others.~~

~~By adopting this policy, the Board seeks to engage students and staff with the goal of creating and maintaining a positive school climate within a framework of positive behavior interventions and supports.~~

- A. An act of bullying by either an individual student or a group of students is expressly prohibited:
1. on the school premises, at the school functions or activities, on the school transportation;
 2. by the use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
 3. by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.
- B. A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the policy provisions applicable to the public school students participating in the activity.
- C. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources. This policy also applies to sexual exploitation.
- D. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.
- Malicious and sadistic conduct and sexual exploitation by a school district or school staff member, independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs as described in Article II.A above is prohibited.
- E. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- F. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- G. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- H. False accusations or reports of bullying against another student are prohibited.
- I. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy. The school district may take into account the following factors:
1. The developmental ages and maturity levels of the parties involved;
 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 3. Past incidences or past or continuing patterns of behavior;
 4. The relationship between the parties involved; and
 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The school district shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the school district, and foster student, parent, and community participation.

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

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.

~~III. STUDENT AND STAFF RESPONSIBILITIES~~

~~A. Students have the responsibility not to bully another student:~~

- ~~1. On District premises, at District functions or activities, or on District-owned or contracted vehicles used for transportation;~~
- ~~2. By use of electronic technology and communications on District premises, during District functions or activities, on District-owned or contracted vehicles used for transportation, or on District computers, networks, forums, and mailing lists; or~~
- ~~3. By use of electronic technology and communications off District premises to the extent such use substantially and materially disrupts student learning or the school environment.~~

~~B. District employees, agents, contractors or volunteers who witness prohibited conduct or possess reliable information that would lead a reasonable person to suspect that a student is a target of prohibited conduct are responsible for reporting the conduct immediately to an appropriate District official designated by this policy.~~

~~IV. III. DEFINITIONS~~

~~The following definitions identify behaviors that are significant deviations from the norm among general education student populations. While these definitions provide valuable considerations, the District's small class sizes and a low student-teacher ratio promote staff awareness of behaviors and prompt interventions. The District's identification of behaviors that are significant deviations from the norm will reflect the advantages of its structure and the different needs among its student population.~~

~~For purposes of this policy, the following definitions shall apply:~~

~~A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:~~

- ~~1. Involves an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the **behavior prohibited conduct** and the conduct is repeated or forms a pattern; or~~
- ~~2. Materially and substantially interferes with a student's educational opportunities, performance, or ability to participate in **school or** District functions or activities or receive educational benefits, services, or privileges.~~

~~B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet Web site or forum, transmitted through a computer, cell phone, or other electronic device. **Cyberbullying applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it**~~

substantially and materially disrupts student learning or the school environment.

- C. Intimidating, threatening, abusive, or harming conduct may involve, but is not limited to conduct that:
1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defame a student, or constitutes intentional infliction of emotional distress against a student; or
 3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in ~~Minn. Stat. Chapter 363A~~ the Minnesota Human Rights (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or ~~Minn. Stat. chapter 363A~~ the Minnesota Human Rights (MHRA).
- D. "Prohibited conduct" means bullying, **cyberbullying, malicious and sadistic conduct, sexual exploitation**, ~~or cyberbullying as defined in this section~~ or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- E. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct.
- F. "Immediately" means as soon as possible but in no event longer than 24 hours.
- G. "Student" means a student enrolled in a public school or a charter school.
- H. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.
- I. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

IV. REPORTING

- A. Any person who believes that ~~he or she~~ **they** have been the target of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to an appropriate District ~~official~~ **staff** designated by this policy. Anonymous reports are allowed but may not be relied upon solely to determine interventions or remedial responses.
- B. The District encourages the reporter to use the report form available online or from the building administrator, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting bullying directly to the ~~Executive Director of Special Services~~

~~and Educational Programs~~ Assistant Superintendent or to the Superintendent.

- C. The building principal or program supervisor shall receive reports of prohibited conduct. Any District employee who receives a report of prohibited conduct shall inform the building principal or program supervisor immediately, without screening or investigation. The building principal shall be responsible for ensuring that this policy and its procedures are fairly and fully implemented. The complaint may also be made or filed directly with the superintendent. The building principal or program supervisor shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building principal or program supervisor, or a third party designated by the school district shall be responsible for the investigation. The building principal or program supervisor shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.
- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building principal or program supervisor immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- ~~D.~~ E. Upon receiving a report, the building principal or program supervisor shall forward the report immediately to the ~~Executive Director of Special Services and Educational Programs~~ Assistant Superintendent. The ~~Executive Director of Special Services and Educational Programs~~ Assistant Superintendent shall investigate or designate an appropriate person to investigate the report within three school days.
- ~~E.~~ F. Reports of prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building principal, in conjunction with the ~~Executive Director of Special Services and Educational Programs~~ Assistant Superintendent, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- G. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- H. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

VI. DISTRICT RESPONSES

- ~~A.~~ The District may take immediate steps, at its discretion, to protect the target of the prohibited conduct, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law. Such steps may include taking any of the following actions:
- ~~1.~~ Intervening to protect the target of the prohibited conduct;
 - ~~2.~~ Providing information about available community resources to the students involved, and

- ~~other affected individuals, as appropriate;~~
- ~~3. Where appropriate for a child with a disability to prevent or respond to prohibited conduct, allowing the child's individualized education program or section 504 plan to address additional skills and proficiencies, if any, the child needs to respond to or not engage in prohibited conduct;~~
 - ~~4. Allowing the student alleged to have engaged in prohibited conduct to present his/her perspective in an investigation;~~
 - ~~5. Informing affected students and their parents of their rights under state and federal data practices laws to obtain access to data related to the incident and their right to contest the accuracy or completeness of the data.~~
 - ~~6. Notifying the parents or guardians of students involved in a bullying incident and remedial action taken, to the extent permitted by law, based on a confirmed report.~~
- A. Within three school days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building principal or program supervisor, or a third party designated by the school district.
 - B. The building principal or, program supervisor, or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law, including informing parents/guardians.
 - C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
 - D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy and other applicable school district policies, and applicable regulations.
 - E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
 - F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

- G. The District shall ensure that any remedial responses are tailored to the particular circumstances and students involved. Remedial responses shall be made with consideration of the following factors:
1. The nature of the conduct;
 2. Students' developmental age and behavioral history;
 3. The levels of harm and surrounding circumstances;
 4. Past incidences or past or continuing patterns of behavior;
 5. The relationship between the parties involved;
 6. The context in which the alleged incidents occurred; and
 7. Any other factors that may influence the effectiveness of a remedial measure or disciplinary action.
- H. Upon completion of the investigation, the District will develop and implement any responses as appropriate. Remedial responses will be developed consistent with the District's system of positive behavior interventions and supports.

VII. TRAINING AND EDUCATION

- A. The District shall develop and apply research-based, developmentally appropriate best practices that include preventive and remedial measures and effective discipline for deterring policy violations.
- B. The District shall discuss this policy with students, school personnel, and volunteers and provide appropriate training for all school personnel to prevent, identify, and respond to prohibited conduct. The District shall establish a training cycle, not to exceed a period of three school years, for school personnel.
- C. The District requires ongoing professional development, consistent with Minn. Stat. section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address prohibited conduct.
- D. Professional development includes, but is not limited to, information about developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct; the complex dynamics affecting a bully, a target of, and witnesses to prohibited conduct; research on prohibited conduct, including specific categories of students at risk for prohibited conduct in school; the incidence and nature of cyberbullying; and Internet safety and cyberbullying.
- E. The District will use new employee training materials, the District and school publications containing rules, procedures, and standards of conduct, and the Student Handbook to publicize this policy.

VIII. RETALIATION

- A. The District prohibits reprisals or retaliation against any person who asserts, alleges, or reports prohibited conduct or provides information about such conduct. Retaliation includes but is not limited to, any form of intimidation, harassment, and intentional disparate treatment. Remedial responses, disciplinary or other appropriate action will be taken to address acts of reprisal or retaliation.
- B. The District will develop responses to address retaliatory behavior consistent with its system of positive behavior interventions and supports.

VIII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy must be conspicuously posted throughout each school building, in the administrative offices of the school district, and in the office of each school.
- C. This policy must be distributed to each school district or school employee and independent contractor at the time of hiring or contracting.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. Each school must develop a process for discussing this policy with students, parents of students, independent contractors, and school employees.
- G. The school district shall provide an electronic copy of its most recently amended policy to the Minnesota Commissioner of Education.

~~**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)~~

~~**Cross References:** Student Rights and Responsibilities Goals Policy
Student Conduct and Discipline Policy
Harassment and Violence Policy
Technology Responsible Use and Safety Policy
Student Data Privacy Rights and Access Policy~~

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definitions)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and

Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. Ch. 124E (Charter Schools)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 423 (Employee-Student Relationships)
MSBA/MASA Model Policy 501 (School Weapons Policy)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

Policy Summary

Policy 516 Student Medication

Date: January 16, 2024

Policy Last Reviewed: NA

Overview of Recommendations:

Student Medication is a MSBA required Policy, and District 287 currently has a procedure but not a policy. The recommendation is to adopt MSBA's Policy as written.

Summary of Changes:

None

Equity Impact:

The AdHoc discussed these questions:

- Who is impacted in these changes/ Who's voice was at the table?
- Who is benefiting from these changes?
- Who is intentionally being marginalized?

The groups that completed the review of our current policy and the updated MSBA policy included Special Education Administration, SIT, and nurses.

All parties agree the language is clear and aligns with current practice.

Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

DISTRICT POLICY

First Read

POLICY SERIES: Student
SUBJECT: Student Medication
BOARD APPROVED: February 2024
REVISION DATE:

516 Student Medication

I. PURPOSE

The purpose of this policy is to set forth the provisions that must be followed when administering non-emergency prescription medication to students at school.

II. GENERAL STATEMENT OF POLICY

The school district acknowledges that some students may require prescribed drugs or medication during the school day. The school district's licensed school nurse-trained health clerk, principal, or teacher will administer prescribed medications, except any form of medical cannabis, in accordance with law and school district procedures.

III. REQUIREMENTS

- A. The administration of prescription medication or drugs at school requires a completed signed request from the student's parent. An oral request must be reduced to writing within two school days, provided that the school district may rely on an oral request until a written request is received.
- B. An "Administering Prescription Medications" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs. Prescription medication as used in this policy does not include any form of medical cannabis as defined in Minnesota Statutes section 152.22, subdivision 6.
- C. Prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with law and must be administered in a manner consistent with the instructions on the label.
- D. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.
- E. Prescription medications are not to be carried by the student, but will be left with the appropriate school district personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Part J.5. below), and medications administered as noted in a written agreement between the school district and the parent or as specified in an IEP

(individualized education program), Section 504 plan, or IHP (individual health plan).

- F. The school must be notified immediately by the parent or student 18 years old or older in writing of any change in the student's prescription medication administration. A new medical authorization or container label with new pharmacy instructions shall be required immediately as well.
- G. For drugs or medicine used by children with a disability, administration may be as provided in the IEP, Section 504 plan or IHP.
- H. The school nurse, or other designated person, shall be responsible for the filing of the Administering Prescription Medications form in the health records section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the principal and to other personnel designated to administer the medication.
- I. Procedures for administration of drugs and medicine at school and school activities shall be developed in consultation with a school nurse, a licensed school nurse, or a public or private health organization or other appropriate party (if appropriately contracted by the school district under Minnesota Statutes section 121A.21). The school district administration shall submit these procedures and any additional guidelines and procedures necessary to implement this policy to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.
- J. If the administration of a drug or medication described in this section requires the school district to store the drug or medication, the parent or legal guardian must inform the school if the drug or medication is a controlled substance. For a drug or medication that is not a controlled substance, the request must include a provision designating the school district as an authorized entity to transport the drug or medication for the purpose of destruction if any unused drug or medication remains in the possession of school personnel. For a drug or medication that is a controlled substance, the request must specify that the parent or legal guardian is required to retrieve the drug or controlled substance when requested by the school.
- K. Specific Exceptions:
 - 1. Special health treatments and health functions such as catheterization, tracheostomy suctioning, and gastrostomy feedings do not constitute administration of drugs and medicine;
 - 2. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy;
 - 3. Drugs or medicine provided or administered by a public health agency to prevent or control an illness or a disease outbreak are not governed by this policy;
 - 4. Drugs or medicines used at school in connection with services for which a minor may give effective consent are not governed by this policy;
 - 5. Drugs or medicines that are prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
 - a. the school district has received a written authorization from the pupil's parent permitting the student to self-administer the medication;
 - b. the inhaler is properly labeled for that student, and
 - c. the parent has not requested school personnel to administer the medication to the student.

The parent must submit written authorization for the student to self-administer the medication each school year. In a school that does not have a school nurse or school

nursing services, the student's parent or guardian must submit written verification from the prescribing professional, which documents that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed.

If the school district employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party must assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting and enter into the student's school health record a plan to implement safe possession and use of asthma inhalers;

6. Nonprescription Medication. A secondary student may possess and use nonprescription pain relief in a manner consistent with the labeling, if the school district has received written authorization from the student's parent or guardian permitting the student to self-administer the medication. The parent or guardian must submit written authorization for the student to self-administer the medication each school year. The school district may revoke a student's privilege to possess and use nonprescription pain relievers if the school district determines that the student is abusing the privilege. This provision does not apply to the possession or use of any drug or product containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients. Except as stated in this paragraph, only prescription medications are governed by this policy.
7. At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed epinephrine auto-injectors that enables the student to:
 - a. possess epinephrine auto-injectors; or
 - b. if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine auto-injectors in close proximity to the student at all times during the instructional day.

The plan must designate the school staff responsible for implementing the student's health plan, including recognizing anaphylaxis and administering epinephrine auto-injectors when required, consistent with state law. This health plan may be included in a student's § 504 plan.

8. A student may possess and apply a topical sunscreen product during the school day while on school property or at a school-sponsored event without a prescription, physician's note, or other documentation from a licensed healthcare professional. School personnel are not required to provide sunscreen or assist students in applying sunscreen.
- L. "Parent" for students 18 years old or older is the student.
 - M. Districts and schools may obtain and possess epinephrine auto-injectors to be maintained and administered by school personnel to a student or other individual if, in good faith, it is determined that person is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for an epinephrine auto-injector. The administration of an epinephrine auto-injector in accordance with this section is not the practice of medicine.

A district or school may enter into arrangements with manufacturers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market, free, or reduced prices. A third party, other than a manufacturer or supplier, may pay for a school's supply of epinephrine auto-injectors.

- N. Procedure regarding unclaimed drugs or medications.
1. The school district has adopted the following procedure for the collection and transport of any unclaimed or abandoned prescription drugs or medications remaining in the possession of school personnel in accordance with this policy. Before the transportation of any prescription drug or medication under this policy, the school district shall make a reasonable attempt to return the unused prescription drug or medication to the student's parent or legal guardian. Transportation of unclaimed or unused prescription drugs or medications will occur at least annually but may occur more frequently at the discretion of the school district.
 2. If the unclaimed or abandoned prescription drug is not a controlled substance as defined under Minnesota Statutes section 152.01, subdivision 4, or is an over-the-counter medication, the school district will either designate an individual who shall be responsible for transporting the drug or medication to a designated drop-off box or collection site or request that a law enforcement agency transport the drug or medication to a drop-off box or collection site on behalf of the school district.
 3. If the unclaimed or abandoned prescription drug is a controlled substance as defined in Minnesota Statutes section 152.01, subdivision 4, the school district or school personnel is prohibited from transporting the prescription drug to a drop-off box or collection site for prescription drugs identified under this paragraph. The school district must request that a law enforcement agency transport the prescription drug or medication to a collection bin that complies with Drug Enforcement Agency regulations, or if a site is not available, under the agency's procedure for transporting drugs.

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.21 (Hiring of Health Personnel)
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 121A.2205 (Possession and Use of Epinephrine Auto-Injectors; Model Policy)
Minn. Stat. § 121A.2207 (Life-Threatening Allergies in Schools; Stock Supply of Epinephrine Auto-Injectors)
Minn. Stat. § 121A.221 (Possession and Use of Asthma Inhalers by Asthmatic Students)
Minn. Stat. § 121A.222 (Possession and Use of Nonprescription Pain Relievers by Secondary Students)
Minn. Stat. § 121A.223 (Possession and Use of Sunscreen)
Minn. Stat. § 151.212 (Label of Prescription Drug Containers)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.22 (Definitions)
Minn. Stat. § 152.23 (Limitations)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)

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

February 2024
Volume 21
Number 5

A Compelling Vision: More Than Just Words for Shakopee Public Schools

February 23, 2024 Executive/Legislative Committee Meeting

7:30 a.m. - 9 a.m.
Anderson Center
Bethel University
Arden Hills

March 1, 2024 Board of Directors Meeting

7 a.m. - 9 a.m.
Quora Education Center
NE Metro 916
Little Canada

March 5, 2024 AMSD Day at the Capitol

8 a.m. - 4:30 p.m.
[LINK: View Day at the
Capitol flyer](#)

March 22, 2024 Executive/Legislative Committee Meeting

7:30 a.m. - 9 a.m.
Anderson Center
Bethel University
Arden Hills

The Assistant Superintendent of Shakopee Public Schools, Jim Miklausich, often says, "People know what you value by how you spend your time." In Shakopee, we've been working diligently to take immediate action on critical priorities while simultaneously building and improving systemic structures that directly support our district's Vision & Priorities, and the refined version of that, which is our Compelling Vision.

Compelling Vision

It is our moral imperative to change until all of our systems measurably work for each and every student.

Our focus must be on ensuring **each member of our organization** maintains **high expectations** and provides **unwavering support** for each of our student learners.

It is our responsibility to make sure each and every student receives **quality core instruction** and develops **agency** when it comes to their own learning.

Each and Every Student

Two of the phrases Superintendent Mike Redmond regularly uses are:

*Our goal is to help each and every student reach their fullest potential in life.
Every kid (in our district) is my kid.*

In our school district located southwest of the Twin Cities, with just shy of 8,000 students, whose families speak nearly 80 different languages, we often use an adaptation of business writer Ken Blanchard's inverted pyramid to show our dominant systemic structure. (See graphic on page 2.)

At the core of public education, and specifically our team (all of the employees working in our district), is an unwavering dedication to providing high quality services to each student, their families and the greater community. Hopefully,

Continued on page 2

It was inspiring to welcome nearly 200 AMSD members and legislators for the 2024 AMSD Session Preview last week. We were honored to welcome Education Commissioner Willie Jett to the event and are grateful for his ongoing commitment to public education. I'd also like to thank Sen. Steve Cwodzinski, Sen. Julia Coleman, Rep. Peggy Bennett, and Rep. Josiah Hill for serving on a panel and sharing an overview of what they anticipate for the 2024 session. I encourage AMSD members to stay engaged throughout the session and to attend the [Day at the Capitol](#) on March 5. Your advocacy makes a difference!

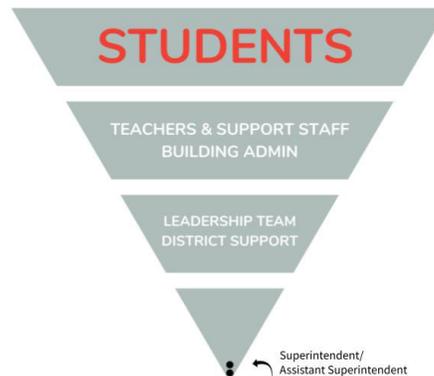
From the AMSD Chair, Marcus Hill, West St. Paul-Mendota Heights-Eagan Board Member

In Shakopee Schools: Every Kid is My Kid

Continued from page 1

the reader has picked up the use of the word *each* when describing students. There are a couple reasons why the word 'each' student is used instead of referring to *all* students. The first is that when people use the phrase 'all students' they tend to feel pretty good if they reach a high number, or nearly all the students, even though they haven't reached their professed goal. Efforts should not be considered a success until 'each and every' student is reached, and we should not be satisfied with a result that falls short of 'all students'. Flipping this around just a bit, if a district reaches 'each and every' student, they will definitely have reached 'all' students.

STRUCTURE



Every Kid is My Kid

There are a number of reasons for using the phrase Every Kid is My Kid. Some of the reasons directly relate to equity in the sense we want each and every kid, and their families, to be able to navigate every aspect of the school system with the same level of understanding, access, and opportunity as the most well connected insider. When working to serve each child, holding high expectations while providing incredibly caring support, it is important to see them through the eyes of a parent, guardian or other similar loving adult who would sacrifice much in order to see their child reach the child's greatest potential.

Vision & Priorities with Performance Measurement

Too often in education, we spend large amounts of time on designing a strategic plan and high-level goals, and way too little time on the actions and measures to make the outcomes in the plan a reality. Nearly everything we do in education has a positive effect on student learning. Knowing this reality, it becomes imperative to do more of the most impactful things more often.

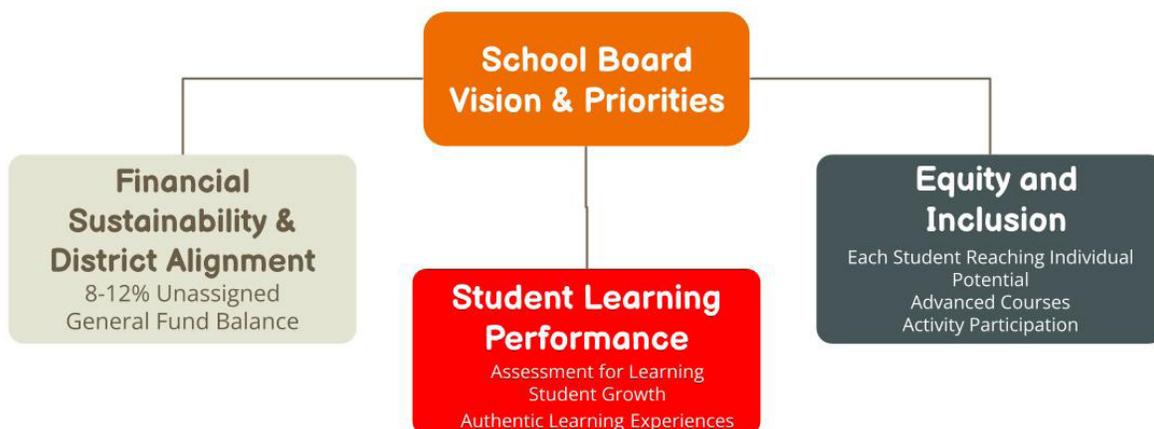
In Shakopee, the School Board has set the tone with their commitment to the district's *Vision & Priorities*, which is an intentional and actionable list that is a subset of our strategic plan. In an attempt to 'boil down' Shakopee's *Vision & Priorities* to its key components so they can be constant companions in efforts to continue to learn, grow and improve as a district, Shakopee created the previously mentioned *Compelling Vision* that is included in every staff and leadership meeting, and serves as a guiding force in all actions.

Continued on page 3

Shakopee Schools: Working for Each and Every Student

Continued from page 2

SCHOOL BOARD FOCUS



The School Board also directed district leadership to create a set of Performance Measures* that tie directly back to the key components of the district’s Vision & Priorities. Due to the space constraints of this article, it is impossible to delve deeply into how this tightly connected monitoring system is designed to work but all elements are extremely intentional.

Continuous Change

While Shakopee is incredibly proud of the various happenings in our district — the nine year journey to reach the policy goal for an unassigned fund balance, building deep systems for making equity and inclusion part of the fabric of everything we do, improving student learning outcomes of each and every student, empowering student voice, continuous talent engagement, and many others ... ultimately, any advancements can be attributed to an unyielding desire to continue to **change until all of our systems measurably work for each and every student**. We encourage all public school districts to define and communicate their “why” — a Compelling Vision — and use it as a compass to create meaningful and impactful change.

**If you’d like to learn more about Shakopee’s Vision & Priorities, or more about the Performance Measures (which was presented at MSBA’s 2024 Annual Conference), please reach out to the authors of this article: Tiffany (tolson@shakopee.k12.mn.us) or Mike (mredmond@shakopee.k12.mn.us).*

This month’s member feature was submitted by Tiffany Olson, Director of Communications and Strategic Development, and Mike Redmond, Ed.D., Superintendent, Shakopee Public Schools.

2024 AMSD Session Preview Brings Legislators and Education Leaders Together



Minnesota Department of Education Commissioner Willie Jett spoke at the AMSD 2024 Legislative Preview.

On Friday, Feb. 2, more than 150 AMSD members — superintendents, school board members and district staff — welcomed more than two dozen state legislators and Minnesota Department of Education Commissioner Willie Jett to AMSD’s annual Legislative Session Preview. The preview provides an opportunity for legislators to hear the priorities of AMSD member school districts and discuss important education issues. AMSD member school districts collectively serve more than half of the public-school students in Minnesota.

Two AMSD superintendents — Dr. Laurie Putnam of St. Cloud Area School District 742 and Dr. Jason Berg of the Farmington Area School District — joined AMSD Chair Marcus Hill of District 197 / Mendota Heights-West St. Paul-Eagan in highlighting AMSD’s [2024 AMSD Legislative Platform](#).

All three presenters thanked legislators for the significant investments approved in the 2023 session. They especially expressed gratitude for the important progress made to add stability to the funding system including linking the formula to inflation, allowing school boards to renew an operating referendum, and reducing the shortfalls in the special education and English learner programs. At the same time, they noted that historic inflation, staffing shortages, and new programs and requirements adopted in the 2023 session continue to squeeze school districts’ budgets.

Chair Hill offered the analogy of how balancing a household budget is not significantly different than meeting a district budget’s bottom line — and how increased expenses and the loss of revenue — such as the end of federal pandemic relief funding — has left many school districts facing significant challenges. While the federal funding is coming to an end, there is still tremendous work to do to help students recover from the pandemic.

All three presenters stressed the importance of continuing to stabilize the education funding system by:

- Establishing reliable and ongoing funding for the new programs and requirements approved in the 2023 session;
- Restoring the purchasing power of local optional revenue and linking it to the formula;
- Making compensatory hold-harmless funding permanent; and
- Restoring inherent managerial rights.



AMSD Chair Marcus Hill of District 197 / Mendota Heights-West St. Paul-Eagan outlined the challenges of balancing school district budgets even with increases in education funding.



AMSD superintendents Dr. Laurie Putnam of St. Cloud Area School District 742 and Dr. Jason Berg of the Farmington Area School District urged legislators to consider inflationary cost pressures and new programs and requirements for school districts.

Continued on page 5

Inflation and New Requirements Continue to Challenge School District Budgets

Continued from page 4

Superintendents Putnam and Berg echoed Chair Hill's themes, each sharing a local perspective — and the challenges of balancing a budget while also facing nonnegotiable costs such as utilities, transportation, and contractual obligations.



Rep. Josiah Hill (DFL-Stillwater)



Rep. Peggy Bennett (R-Albert Lea)



Sen. Julia Coleman (R-Waconia)



Sen. Steve Cwodzinski (DFL-Eden Prairie)

The preview concluded with a legislative panel discussion that featured four leaders from the House and Senate Education Policy Committees — Rep. Josiah Hill (DFL-Stillwater), Rep. Peggy Bennett (R-Albert Lea), Sen. Julia Coleman (R-Waconia) and Sen. Steve Cwodzinski (DFL-Eden Prairie). The four legislators outlined some of their education priorities for the 2024 session and previewed a few of the issues they expect to come before them during the session.

- [2024 AMSD Legislative Platform](#)
- [Presentation: AMSD 2024 Legislative Session Preview](#)
- [2024 Education Facts](#)
- [LINK: View a recording of the Preview](#)

From left, Rep. Bianca Virnig (DFL-Mendota Heights), Rep. Mary Frances Clardy (DFL-Inver Grove Heights), Roseville School Board Member Curtis Johnson and Bloomington School Board Member Nelly Korman at the AMSD 2024 Legislative Preview.



Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

Board Calendar (Second & Fourth Thursday of the Month)

Start Time: 6:30 PM

January 2024 – December 2024	
January 11, 2024 Conflict MSBA Meeting January 25, 2024	
February 8, 2024	February 22, 2024
March 14, 2024	March 28, 2024 Conflict with Spring Break
April 11, 2024	April 25, 2024
May 9, 2024	May 23, 2024
June 13, 2024	June 27, 2024
No July Meeting	
August 22, 2024	
September 12, 2024	September 26, 2024
October 10, 2024	October 24, 2024
November 14, 2024	
December 12, 2024	

Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

Board Calendar (Second & Fourth Thursday of the Month)

Start Time: 6:30 PM

TENTATIVE

January 2025 – December 2025	
January 9, 2025 <i>(possible conflict MSBA Conference)</i>	January 23, 2025
February 13, 2025	February 27, 2025
March 13, 2025	March 27, 2025 <i>(Conflict with Spring Break)</i>
April 10, 2025	April 24, 2025
May 8, 2025	May 22, 2025
June 12, 2025	June 26, 2025
No July Meeting	
August 28, 2025	
September 11, 2025	September 25, 2025
October 9, 2025	October 23, 2025
November 13, 2025	
December 11, 2025	

INTERMEDIATE DISTRICT 287
February 8, 2024
SCHOOL BOARD CALENDAR

January 2024

25	Thursday	General Meeting of the Board	6:30 PM	DSC
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February 2024

06	Tuesday	Get on the Bus – Hennepin Technical College	8:30 AM	DSC
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08	Thursday	General Meeting of the Board & <i>Board Retreat</i>	6:30 PM	DSC
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20	Tuesday	Local 2209 & Board Meeting	1:00 PM	HYBRID
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22	Thursday	General Meeting of the Board	6:30 PM	DSC
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March 2024

14	Thursday	General Meeting of the Board	6:30 PM	DSC
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April 2024

11	Thursday	General Meeting of the Board	6:30 PM	DSC
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23	Tuesday	Local 2209 & Board Meeting	1:00 PM	HYBRID
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25	Thursday	General Meeting of the Board	6:30 PM	DSC
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May 2024

09	Thursday	General Meeting of the Board – <i>Board Retreat</i>	6:30 PM	DSC
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23	Thursday	General Meeting of the Board	6:30 PM	DSC
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June 2024

04	Tuesday	Ann Bremer Education Center (ABEC) Transition Graduation	9:30 AM	ABEC
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04	Tuesday	Ann Bremer Education Center (ABEC) High School Graduation	1:00 PM	ABEC
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04	Tuesday	West Education Center (WEC) W-ALT Tier 2 & 3 High School Graduation	5:00 PM	HTC
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04	Tuesday	North Education Center (NEC) NECA & Special Education Graduation	6:00 PM	NEC
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05	Wednesday	Hennepin Technical College (HTC) Transition Graduation	4:00 PM	HTC
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05	Wednesday	Hennepin Technical College (HTC) High School Gateway Graduation	5:30 PM	HTC
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06	Thursday	South Education Center (SEC) Tier 3 Transition Graduation	11:00 AM	SEC
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06	Thursday	South Education Center (SEC) Tier 2 High School Graduation	6:00 PM	SEC
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13	Thursday	General Meeting of the Board	6:30 PM	DSC
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18	Tuesday	Get on the Bus – West Suburban Summer School	8:30 AM	DSC
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27	Thursday	General Meeting of the Board	6:30 PM	DSC
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July 2024**No Meetings**

August 2024

22	Thursday	General Meeting of the Board	6:30 PM	DSC
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September 2024

12	Thursday	General Meeting of the Board	6:30 PM	DSC
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26	Thursday	General Meeting of the Board	6:30 PM	DSC
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October 2024

10	Thursday	General Meeting of the Board	6:30 PM	DSC
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24	Thursday	General Meeting of the Board	6:30 PM	DSC
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November 2024

14	Thursday	General Meeting of the Board	6:30 PM	DSC
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December 2024

12	Thursday	General Meeting of the Board	6:30 PM	DSC
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◆ General Board Meeting – Date Change

◆ New Event

◆ Event Date Change

Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

Get on the Bus & Local 2209/School Board Schedule
2023-2024

Get on the Bus

Tuesday, February 6th
Hennepin Technical College
Bus leaves 287 DSC @ 8:30 AM

Crystal Brakke

Kim Ross

Anne Casey

Tuesday, June 18th

West Suburban Summer School
Bus leaves 287 DSC @ 8:30 AM

Crystal Brakke

Renaë Bowman

Shannon Andreson

Local 2209/Board Meeting

1:00 PM

Tuesday, February 20th
District Service Center
(3rd Floor – Room 316)

Crystal Brakke

Renaë Bowman

Tuesday, April 23rd
District Service Center
(3rd Floor – Room 316)

Crystal Brakke

Rena Bowman
