



**SAINT PETER SCHOOL BOARD**  
**Regular Board Meeting**  
**Monday, November 18, 2024**  
**SPCC-Governor's Room, 600 S. 5th St., Saint Peter, MN**  
**56082**  
**6:30 PM**

<b>I. Call Meeting to Order</b>	
<b>II. Pledge of Allegiance</b>	
<b>III. Consideration and Adoption of the Agenda</b>	
<b>IV. Consider Requests to Speak on the Agenda</b>	
<b>V. Approval of Consent Agenda Items</b>	<b>3</b>
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1. Building Principals	
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4. Board Committee Updates	
o Education Committee	
o Business Committee	
o Policy Committee	
o HR Committee	

## **X. Upcoming Meetings of the School Board**

Special School Board Meeting  
Monday, December 2, 2024  
6:00 PM  
Middle School Media Center

Business Committee Meeting  
Wednesday, December 11, 2024  
10:00 AM  
DO

Policy Committee Meeting  
Wednesday, December 11, 2024  
4:00 PM  
DO

Education Committee Meeting  
Thursday, December 12, 2024  
1:00 PM  
DO

Regular Board Meeting  
Monday, December 16, 2024  
6:30 PM  
SPCC-Governor's Room  
**XI. Adjournment**



## ADDENDUM

### REGULAR BOARD MEETING Monday, November 18, 2024 SPCC-Governor's Room 6:30PM

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#### V. CONSENT AGENDA

1. Approval of the Regular Board Meeting minutes of October 21, 2024.
2. Approval of Bills and Wire Transfers (\$3,611,397.85) for October 2024.
3. Personnel
  - a. The acceptance of the resignation of Miranda Provo, an Early Childhood Special Education Paraprofessional, effective August 19, 2024.
  - b. The acceptance of the self-termination of Molly Moller, a Full-Time Night Custodian at Saint Peter Middle School, effective November 1, 2024.
  - c. The acceptance of the resignation of Will Bennett, a Special Education teacher at Saint Peter High School and a Social Studies teacher at Oshawa Learning Academy, effective November 15, 2024.
  - d. The approval of the hiring of Keona Sisler, as a temporary District Office Assistant, effective September 24, 2024 through December 31, 2024.
  - e. The approval of the hiring of Marcia Wenner, as a temporary Health Assistant Paraprofessional at North Elementary, effective October 14, 2024 through May 30, 2024.
  - f. The approval of the hiring of Sidney Arroyo, an Early Childhood School Readiness Paraprofessional, starting October 22, 2024.
  - g. The approval of the hiring of Deanna Dunphy, an Early Childhood School Readiness Paraprofessional, starting November 4, 2024.
  - h. The approval of the hiring of Alexis Loomer, a Long-Term Office Support Substitute (Principal's Secretary) at North Elementary, starting December 6, 2024 through March 10, 2025.

- i. The approval of the hiring of a Long-Term Substitute teacher, Katherine Rieck, for Heidi Schultz's first grade classroom at South Elementary. This position will begin on October 22, 2024, and will end on December 2, 2024.
- j. The approval of the hiring of a Long-Term Substitute teacher, Abby Alderman, for Elizabeth Wenner's first grade classroom at South Elementary. This position will begin on December 12, 2024, and will end on March 7, 2024.
- k. The approval of the hiring of Paige Gerards, a Saints Overtime Assistant with Saint Peter Community & Family Education, effective during the 2024-2025 school year.
- l. The approval of the hiring of Gina Wegner, a Costume and Makeup Coordinator for the theater department at Saint Peter High School, effective October 21, 2024.
- m. The approval of the Family Medical Leave request for Kelly Jensen, a Social Worker at Saint Peter High School, effective September 30, 2024 with an anticipated return date of November 11, 2024.
- n. The approval of the Family Medical Leave request for Erin Domras, a Paraprofessional at North Elementary, effective October 25, 2024 through December 20, 2024.
- o. The approval of the Family Medical Leave extension for Lisa Enz, a Paraprofessional at Oshawa Learning Academy, effective October 29, 2024. A date of return is unknown at this time.
- p. The approval of the Family Medical Leave request for Paul Johnson, a District Technology Specialist, effective October 30, 2024 through November 15, 2024.
- q. The approval of the Family Medical Leave request for Debra Schultz, an Early Childhood Special Education Paraprofessional, effective November 11, 2024 through November 27, 2024 with an anticipated return date of December 2, 2024.
- r. The approval of the Family Medical Leave request for Christi Maloney, a Phy Ed and DAPE teacher at South Elementary, effective November 18, 2024 through December 22, 2024.

- s. The approval of the following teachers from North Elementary receiving overload pay during the first quarter of the 2024-2025 school year:

Kent Bass - P.E. Teacher

Amanda (Mandy) Kennedy - School Social Worker

Alex Noble - 3rd Grade Teacher

Breanna Landsteiner - 3rd Grade Teacher

Scott (John) Robinson - 3rd Grade Teacher

Kari Malz - 3rd Grade Teacher

Nicole (Niki) Zitur - 3rd Grade Teacher

Jennifer (Jennie) Friedrich - 4th Grade Teacher

# Minutes of Regular Board Meeting

## The School Board Saint Peter Public Schools

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**Members Present:** Rita Rassbach, Ken Rossow, Tracy Stuewe, Charlie Potts, Bill Kautt  
Drew Dixon and Kate Martens

**Members Absent:** None

**Principals:** Ytive Prafke, Jana Sykora, Darin Doherty, Jon Graff and Annette  
Engeldinger

**Administrative Team Members:** Superintendent Jeff Olson and Shea Roehrkasse

**Others Present:** Administrative Assistant Kimberley Deming and members of the  
public.

A Regular Board Meeting of the School Board of Saint Peter Public Schools was held  
Monday, October 21, 2024, beginning at 6:30 PM in the SPCC-Governor's Room.

**I. Call Meeting to Order** – 6:31 PM (Potts)

**II. Pledge of Allegiance**

**III. Consideration and Adoption of the Agenda** - (Stuewe/Rossow, unanimous)

**IV. Consider Requests to Speak on the Agenda** – None

**V. Approval of Consent Agenda Items** - (Kautt/Stuewe, unanimous)

1. Approval of the Regular Board Meeting minutes of September 16, 2024.

2. Approval of the Study Session Board Meeting minutes of October 7, 2024.

3. Approval of Bills (\$2,017,080.30) and Wire Transfers (\$3,529,508.17) for  
September 2024.

4. Personnel –

- a. The acceptance of the retirement of Monica Bresnahan, a Parent Educator and ECFE Teacher in the district since 1989. Monica has been a strong advocate for the ECFE program and has been a valuable asset to the children and families she was worked with during her 34 years with St. Peter Public Schools. This retirement is effective May 2024.
- b. The acceptance of the resignation of Liliana Figueroa, Student Support Liaison, effective October 11, 2024.

- c. The acceptance of the resignation of Heidi Mayo, an Early Childhood Special Education Paraprofessional, effective at the start of the 2024-2025 school year.
- d. The acceptance of the resignation of Sara Bye, an Early Childhood Special Education Paraprofessional, effective September 19, 2024.
- e. The acceptance of the resignation of Paige Claeys, a Food Service Substitute at Saint Peter High School, effective October 10, 2024.
- f. The approval of the hiring of Keona Sisler, an Early Childhood Special Education / School Readiness Paraprofessional, starting September 24, 2024.
- g. The approval of the hiring of Madeline LaJoy, an Early Childhood Special Education Paraprofessional, starting October 2, 2024.
- h. The approval of the re-hire of Heidi Mayo, an Early Childhood Special Education Paraprofessional, starting September 30, 2024.
- i. The approval of the re-hire of Heidi Johnson, a School Readiness Paraprofessional, starting October 2, 2024.
- j. The approval of the hiring of Julie Carlblom, an Early Childhood Special Education Paraprofessional, starting September 30, 2024.
- k. The approval of the hiring of Ashley Wills, a Paraprofessional at Saint Peter Middle School, effective September 30, 2024.
- l. The approval of the hiring of Kendra Skorr, a Special Education Paraprofessional at South Elementary, effective upon completion of onboarding paperwork.
- m. The approval of the hiring of Molly Moller, a Full-Time Night Custodian at Saint Peter Middle School, effective September 23, 2024.
- n. The approval of the hiring of David Zeiher, a Cook/Dishwasher at Saint Peter High School, effective September 25, 2024.
- o. The approval of the hiring of Olivia Nguyen, a Part-Time Housekeeper at MVED, effective October 7, 2024.

- p. The approval of the hiring of Lamontzrae Beamon, a Saints Overtime Assistant with Saint Peter Community & Family Education, effective during the 2024-2025 school year.
- q. The approval of the hiring of Natalie Hansson, a Saints Overtime Assistant with Saint Peter Community & Family Education, effective during the 2024-2025 school year.
- r. The approval of the hiring of Jaya Chang, a Saints Overtime Assistant with Saint Peter Community & Family Education, effective during the 2024-2025 school year.
- s. The approval of the hiring of Gretchen Geppert, an adult arts & crafts instructor at Community & Family Education, effective September 25, 2024.
- t. The approval of the hiring of Adela Madson, a High School Lifeguard with Saint Peter Community & Family Education, effective during the 2024-2025 school year.
- u. The approval of the reassignment of Janaye Rouillard to teach first grade due to enrollment numbers within first grade and kindergarten classes, effective at the start of the 2024-2025 school year.
- v. The approval of the request for family medical leave for Ms. Heidi Schultz, a first grade teacher at South Elementary, effective September 30, 2024, through December 1, 2024.
- w. The approval of the hiring of Elizabeth Orton, Communications Intern, effective for the 2024-2025 school year.
- x. The approval of the following individuals serving as Reading AmeriCorps tutors within the school district effective October 21, 2024.

Taylor Kanstrup – South Elementary  
 Tim Niederriter – North Elementary

- y. The approval of the hiring of coaches and Event / Activity workers for the fall 2024 season.

## 5. Business

- a. The recommendation for approval of two lease agreements with the Leo A. Hoffmann Center. The agreements are the same amounts as in 2023-2024 and have been reviewed by The Business Committee.

- i. \$27.00 per hour for staff hours provided to the Oshawa Learning Academy by LAHC; and
- ii. \$450.00 per month for leased classroom space and \$450.00 per month for leased gymnasium space.

## VI. Student Spotlight

1. *Student Spotlight* – Mohammed Salim, a fourth grader at North Elementary, was chosen as the Student Spotlight because he’s an incredible leader. Mohammed is great at helping the teachers and students in his class, he’s the Student Council President, has participated in the Spelling Bee the past two years and enjoys math and reading. He also likes playing football, riding his bike and going on road trips with his family!
2. *Student Council Report* – None

## VII. Action Items

1. Consider Acceptance of Gifts, Donations and Grants – (Martens/Rassbach, unanimous)

A \$10,788.72 donation from the St. Peter Booster Club was received, a \$35,000 donation was received on behalf of the Estate of Frank J. Fredlund and The St. Peter Tourism and Visitors Bureau approved a grant in the amount of \$1,000.

2. Consider Approval of Compulsory Attendance Report – (Kautt/Martens, unanimous)

Principal Doherty presented the Compulsory Attendance Report. The report indicates the number of students in our district who are homeschooled or who attend a parochial school. His information included a ten-year history report that showed totals and trends for our district.

3. Consider Approval of a Second/Final Reading of Revisions to the Policy Manual – (Martens/Stuewe, unanimous)

School Board Chair, Charlie Potts, stated that Policy 506 - Student Discipline and Policy 806 - Crisis Management Plan, have been reviewed by the Policy Committee and are being presented for acceptance after a second reading.

4. Consider Policies with Legislative Requirements for Approval with One Reading – (Martens/Rossow, unanimous)

School Board Chair, Charlie Potts, stated that Policy 102 – Equal Educational Opportunity, Policy 207 – Public Hearings, Policy 419 - Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco Related Devices, and Electronic Delivery

Devices; Vaping Awareness and Prevention Instruction and Policy 425 – Staff Development and Mentoring, have been reviewed by the Policy Committee and due to statutory changes, are being presented for acceptance after a single reading.

5. Consider Approval of Gymnastics Cooperative with LeSueur-Henderson Public Schools – (Stuewe/Rossow, unanimous)

The LeSueur – Henderson School District has made a formal request to form a Gymnastics Cooperative with Saint Peter Public Schools. The Minnesota State High School League (MSHSL) governs this process. There is an “Application for Cooperative Sponsorship” process, and our district has developed a checklist to follow when considering a cooperative sponsorship of athletic teams with another school. This request has been reviewed by the district’s MSHSL Advisory Committee and The Education Committee of the School Board.

6. Consider Approval of a Resolution Supporting the District's Application for a Grant from the Minnesota State High School League (MSHSL) Foundation – (Rossow/Stuewe, unanimous)

The Minnesota State High School League Foundation awards grants to school districts to help in lowering the cost for students whose family income may be limited to participate in athletic and fine arts programs. Saint Peter Public Schools has submitted a grant application and is requesting that a formal resolution be approved by the School Board.

YAY: Rassbach, Rossow, Stuewe, Potts, Kautt, Dixon and Martens

NAY: None

ABSENT: None

PASSED

7. School Calendars 2025-2026, 2026-2027 and 2027-2028 – (Martens/Dixon, unanimous)

There is a need to finalize the 2025-2026 school calendar so that the construction team (ICS) can develop a construction schedule for next summer. The School Board was presented with the calendars at the October 7<sup>th</sup> Study Session, the calendars were reviewed at the October 10<sup>th</sup> Education Committee Meeting and with SPEA Leadership on October 14<sup>th</sup>. The School Board approved the 2025-2026 District Calendar and no formal action was taken on the 2026-2027 and 2027-2028 calendars.

## VIII. Information Items –

### Report on Student Enrollment

Superintendent Olson discussed updated enrollment numbers with the School Board. He stated that enrollment numbers are trending in a positive direction.

#### 1. Fundraising Plan by Site for 2024-2025

Each Building Principal spoke about their annual fundraising plans. The High School Theater Program has a new fundraiser that will take place during the Fall Musical. All other Principals reported that their buildings will be taking part in the same fundraisers as previous years.

#### 2. Review of Policy Manual Revisions – First Reading

Due to significant changes to Title IX Sex Discrimination Policy, Grievance Procedure and Process, the Minnesota School Boards Association recommends adoption of a new model policy in its entirety. The changes to this policy have been uploaded in BoardBook.

## IX. Reports

### 1. Building Principals

#### Early Childhood

- Principal Prafke stated that the first Early Childhood Screening will be taking place on October 24<sup>th</sup>.
- The first District Wide Early Release is scheduled for October 31<sup>st</sup>. Teachers will be participating in READ Act Training, while Building Principals and the Student Support Team will be receiving Title IX training.

#### South Elementary

- Fire Safety week took place in early October with a visit from the Saint Peter Fire Department.
- Principal Sykora thanked the staff who brought a group of Native Spanish speaking students to the Elementary schools to help them celebrate Hispanic/Latino Joy Day!
- First grade classes are visiting Ferguson's Orchard. Teachers are tying in what they are learning while on the field trip to their science curriculum.
- The first Parent Council Meeting took place. There was really good engagement and a lot of great fundraising ideas were discussed.

#### Alternative Programs - Rockbend/Oshawa

- Students have been learning a lot about Indigenous People's Day.
- OLA students are preparing for class transitions.

### **North Elementary**

- Principal Doherty also thanked the staff who brought a group of Native Spanish speaking students to the Elementary schools to help them celebrate Hispanic/Latino Joy Day!
- Charmayne Klah, the Chair of the NAPAC Committee, brought a group of High School and Middle School students to North Elementary to demonstrate setting up and taking down a 30 foot Tipi.
- Bike to School Day took place on October 9<sup>th</sup> and students "Packed the Rack" with over 100 bikes.
- Over 80 students are signed up to attend the Science and Nature Conference.
- The First Passion Project day is scheduled for October 30<sup>th</sup>.
- School conferences are coming up. Eight homeroom teachers are going to test out student-led / hands-on conferences.

### **Middle School**

- October 11<sup>th</sup> was the first Middle School Celebration Day.
- 83 students from the Middle School will be attending the Science and Nature Conference.
- Sixth graders are preparing for their field trip to BIZTown, a simulated city that students run for the day.
- Evening school conferences will be taking place on November 7<sup>th</sup> and 12<sup>th</sup>, with all day conferences available on November 8<sup>th</sup>.

### **High School**

- Activities Director, Shea Roehrkasse, gave an update on sports teams going to Section Conferences and students breaking school records.
- Principal Engeldinger stated that Hispanic/Latino Joy Day was a huge success! Attendance numbers were up in comparison to other Joy Days, which shows that students see these events as valuable experiences. Some of the most popular sessions were those hosted by High School students.
- The district is one step closer to being able to offer MN Transfer Curriculum at the High School.
- The High School Fall Musical, The Adams Family, will be offering four performances on November 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup>.

## 2. Superintendent of Schools

- Superintendent Olson thought the Hispanic/Latino Joy Day was a phenomenal event and opportunity for our students.
- Dr. Olson congratulated Seth Putz, Operations and Maintenance Supervisor, for being awarded the 2024 Outstanding Educational Contributor Award at the annual MASMS conference held on October 3, 2024.
- Dr. Olson informed the School Board that he and Dr. Graff will be meeting with School Resource Officer, Jon Hughes and Chief of Police, Matt Grochow to continue a discussion on the District's Threat Assessment Protocol.

### 3. Board Members – Around the Table

*Rita Rassbach* – Stated that she enjoys having the Student Spotlight back again and loves hearing about all the great activities our students have the opportunity to be involved in.

*Ken Rossow* – Talked about the presentations he attended at the Hispanic/Latino Joy Day event.

*Tracy Stuewe* – Is excited about increased enrollment and thanked the teachers for their hard work with larger class sizes.

*Bill Kautt* – Congratulated fall activities and sports teams on their successes! Mr. Kautt thanked Stephanie Evans for her work representing staff on the Project Oversight Committee.

*Drew Dixon* – no specific comments

*Kate Martens* – Reported that there were approximately 60-70 people at the 3<sup>rd</sup> Annual Indigenous People’s Day Walk and Charmayne Klah is doing a great job with the NAPAC group.

### 4. Board Committee updates –

- A. Education Committee – Board Member Stuewe reiterated the great opportunity that students will have with the MN Transfer Curriculum Certification Program.
- B. Business Committee – Board Member Kautt stated that things are very organized and the School Board will be well informed as the budget is prepared. The Quarterly Fund Balance Tracker will be shared next month. Member Rossow talked about how the inflation rate has impacted the district’s finances.
- C. Policy Committee – Board Member Martens stated that the Committee continues to make progress on reviewing the policies.
- D. HR Committee – no recent meetings have taken place.

### X. Upcoming Meetings of the School Board

Business Committee Meeting  
Wednesday, November 13, 2024  
10:00 AM  
DO

Education Committee Meeting  
Thursday, November 14, 2024  
1:00 PM  
DO

Policy Committee Meeting  
Thursday, November 14, 2024  
4:00 PM

DO

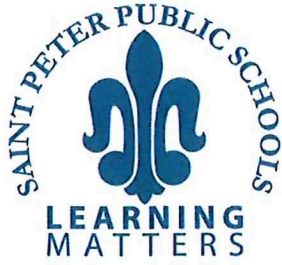
Regular Board Meeting  
Monday, November 18, 2024  
6:30 PM  
SPCC-Governor's Room

XI. **Adjournment** – 8:20 PM (Stuewe/Dixon, unanimous)

Dated: November 18, 2024

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Kate Martens, Board Clerk



DISTRICT OFFICE  
100 Lincoln Drive, Suite 229  
Saint Peter, MN 56082-1351  
507-934-5703 (Office)  
507-934-2805 (Fax)  
www.stpeterschools.org

Date: 11/8/2024

To: Dr. Jeff Olson - Superintendent

From: Bee Ong - Finance Accountant

Re: **Monthly Board Bills, Payroll &  
Student Activity Amounts:**

Oct 2024 - Business Office checks	\$992,441.43
Oct 2024 - Business Office wire payments	\$1,379,544.47
Oct 2024 - Payroll	\$1,183,231.72
Oct 2024 - Student Activity	\$56,180.23
	<hr/> <u>\$3,611,397.85</u>

St. Peter Public Schools	Oct-24	
<b>Outgoing Wire Payments</b>		
MSDLAF to USBank (Feb/Aug bond pymt)		
BCBS - medicare health	10/22/2024	1,239.00
BCBS - medicare health	10/22/2024	12,600.00
Medicare Blue RX	10/1/2024	9,612.00
Life	10/1/2024	2,848.03
LTD	10/10/2024	4,034.17
FNB BO to VISA	Oct	35,356.94
Wire of federal payroll taxes	10/1/2024	173,160.18
Wire of federal payroll taxes	10/10/2024	16,482.81
Wire of federal payroll taxes	10/15/2024	182,140.49
Wire of state payroll taxes	10/1/2024	29,371.42
Wire of state payroll taxes	10/11/2024	2,602.50
Wire of state payroll taxes	10/16/2024	30,975.03
PERA payments	10/1/2024	25,911.95
PERA payments	10/16/2024	31,595.12
TRA payments	10/1/2024	93,317.40
TRA payments	10/16/2024	102,828.51
Horace Mann	10/1/2024	1,735.00
Horace Mann	10/17/2024	3,535.00
Ameriprise/NBSGroup Bill	10/1/2024	2,275.00
Ameriprise/NBSGroup Bill	10/7/2024	0.01
Ameriprise/NBSGroup Bill	10/17/2024	2,275.00
Colonial Life	10/7/2024	11,966.29
Colonial Life	10/9/2024	12,428.30
HomeTown - Dental direct debits	10/7/2024	2,242.42
HomeTown - Dental direct debits	10/15/2024	750.00
HomeTown - Dental direct debits	10/17/2024	2,886.94
HomeTown - Dental direct debits	10/21/2024	4,901.62
HomeTown - Dental direct debits	10/22/2024	1,795.20
HomeTown - Dental direct debits	10/28/2024	6,220.22
HomeTown - BCBS debits	10/3/2024	163,092.31
HomeTown - BCBS debits	10/10/2024	73,035.94
HomeTown - BCBS debits	10/17/2024	85,067.60
HomeTown - BCBS debits	10/24/2024	73,967.08
HomeTown - BCBS debits	10/31/2024	126,760.12
FNB HSA/VEBA-Medsurety/Matrix Trust	Oct	50,534.87
<b>Total Outgiong Wire Payments</b>		<b>1,379,544.47</b>



**MEMO TO:** Dr. Jeffrey Olson-Superintendent  
School Board

**FROM:** Ytive Prafke

**DATE:** November 14, 2024

**SUBJECT:** ECSE Paraprofessional Resignation

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I am writing to recommend that you accept the resignation of Miranda Provo from her position as an ECSE Paraprofessional as of August 19, 2024. We thank Miranda for her work and wish her well on her next employment adventure.

Thank you and please let me know if you have any questions.

Cc: grp\_hire\_para  
Miranda Provo



November 4th, 2024

To: Jeff Olson

From: Seth Putz  
Operations and Maintenance Supervisor

RE: Self terminated

Molly Moller has self-terminated her position as second shift middle school position. I received a text stating that she had personal issues so she has to move and can no longer work at the school. Molly's last day of work was November 1, 2024 at 6:30pm.

The needs of the custodial staff will be reviewed before a replacement position is posted. The search for a replacement will begin internally after the review. We will advertise in the local media if necessary to fill this position.

I am actively seeking to obtain her key set.

Cc: Ytive Prafke  
Jerry Doyle  
Jon Graff



**TO:** Dr. Jeff Olson  
**FROM:** Annette Engeldinger  
**DATE:** November 15, 2024  
**RE:** Teacher Resignation

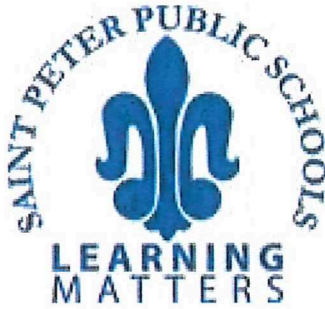
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I am writing to recommend that you accept Will Bennett's resignation as a high school SPED teacher at Saint Peter High School and a social studies teacher at Oshawa Learning Center.

We thank Mr. Bennett for his work with our students.

His resignation will be effective as of November 15, 2024.

Please let me know if you have any questions.



**MEMO TO:** Saint Peter School Board  
**FROM:** Jeff Olson, Superintendent  
**DATE:** September 24, 2024  
**SUBJECT:** Temporary District Office Assistant

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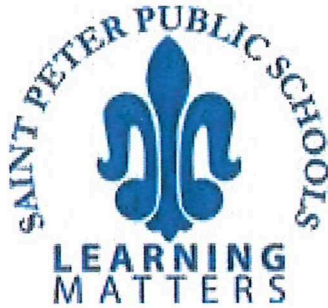
I am pleased to recommend the hiring of Keona Sisler, as a temporary District Office Assistant, effective September 24, 2024 through December 31, 2024.

- Pay rate: \$16.65 per hour
- Timesheets will be submitted for hours worked

Kenoa is an Early Childhood Special Education Paraprofessional with the school district and we are excited to also have her support the District Office with some special projects.

Please feel free to contact me if you have any questions.

Cc: Kenoa Sisler  
[grp\\_hire\\_misc@stpeterschools.org](mailto:grp_hire_misc@stpeterschools.org)



**MEMO TO:** Dr. Jeff Olson  
Saint Peter School Board

**FROM:** Darin Doherty, Principal  
North Elementary

**DATE:** October 24, 2024

**SUBJECT:** Health Office Paraprofessional

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I am pleased to recommend Marcia Wenner for the temporary health assistant paraprofessional position at North Elementary. This position is being filled to address increased student health needs for the remainder of the 2024-25 school year.

**Candidate Recommendation:**

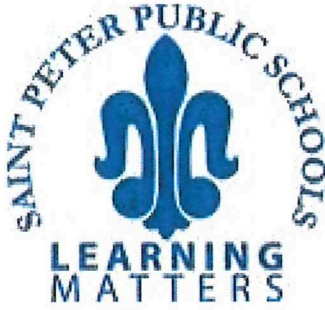
**Applicant 7280: Marcia Wenner**

- Pay rate: \$19.95 per hour (Step 6, health assistant lane of the current paraprofessional contract)
- Schedule: Mondays and Fridays, when school is in session
- Employment period: October 14, 2024, to May 30, 2024
- Timesheets will be submitted for hours worked

Marcia is a familiar face at North Elementary. She previously worked in our health office as a substitute secretary and in the former high school's health office. We are excited to welcome her back to the team.

Please feel free to contact me if you have any questions.

Cc: mkwenner@yahoo.com  
grp\_hire\_para@stpeterschools.org



**MEMO TO:** Members of the School Board  
Dr. Jeffrey Olson

**FROM:** Ytive Prafke

**DATE:** November 1, 2024

**SUBJECT:** School Readiness Classroom  
Assistant/Paraprofessional

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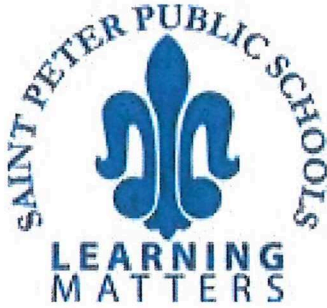
I am pleased to recommend Sidney Arroyo for the position of School Readiness Classroom Assistant/Paraprofessional.

**NEW EMPLOYEE SUMMARY**

- **Sidney Arroyo**
  - Monday-Thursday afternoons- 11:45-2:15 additional hours as needed
  - \$16.65 per hour
  - Sidney will complete a timesheet for her work
  - This is a replacement position
  - School Readiness Assistant positions are **not** included in the Paraprofessional Educator Agreement
  - Start Date: October 22, 2024

Thank you for your continued support of the School Readiness/ECFE programs.

CC: Sidney Arroyo  
grp\_hire\_para



MEMO TO: Members of the School Board  
Dr. Jeffrey Olson

FROM: Ytve Prafke

DATE: November 1, 2024

SUBJECT: School Readiness Classroom  
Assistant/Paraprofessional

---

I am pleased to recommend Deanna Dunphy for the position of School Readiness Classroom Assistant/Paraprofessional.

**NEW EMPLOYEE SUMMARY**

- **Deanna Dunphy**
  - Monday, Tuesday and Thursday mornings 8:00-11:00 additional hours as needed
  - \$16.65 per hour
  - Deanna will complete a timesheet for her work
  - This is a replacement position
  - School Readiness Assistant positions are **not** included in the Paraprofessional Educator Agreement
  - Start Date: November 4, 2024

Thank you for your continued support of the School Readiness/ECFE programs.

CC: Deanna Dunphy  
grp\_hire\_para



**MEMO TO:** Dr. Jeff Olson  
District 508 School Board

**FROM:** Darin Doherty, Principal  
North Elementary School

**DATE:** October 23, 2024

**SUBJECT:** Recommendation for Long-Term  
Substitute Office Support Position  
(Secretary to the Principal)

---

We recently completed the application and interview process for this role, and I am pleased to recommend the following candidate for hire:

**Candidate:** Alexis Loomer  
**Application Number:** 11156

In accordance with the 2023-25 Office Support Staff contract, specifically Article 17.1 regarding SUBSTITUTE SECRETARIAL SUPPORT STAFF PERSONNEL, Ms. Loomer, as a non-union substitute, will be compensated at the Level 1 Step 1 rate of pay, which is \$16.91 per hour.

**Start Date:** December 6, 2024  
**End Date:** March 10, 2025  
**Reason for Substitute:** This position is necessary during Heather Kusler's Family and Medical Leave Act (FMLA) leave.

Ms. Loomer is currently employed as a Communication Specialist with Grand Forks Public Schools. She holds a Bachelor's degree in Marketing from the University of North Dakota, which she earned in 2023. Her experience in communication and office management roles will be invaluable in supporting the operations at North Elementary.

We are very excited about the prospect of having Ms. Loomer join our staff during this critical period. I believe her skills and experiences will greatly benefit our team and contribute positively to the school environment.

If you have any questions or need further information, please feel free to contact me.

**CC:** loomer.alexis@gmail.com  
grp\_hire\_office@stpetersschools.org



**MEMO TO:** Dr. Jeff Olson, Superintendent  
School Board

**FROM:** Jana Sykora

**DATE:** October 25, 2024

**SUBJECT:** South Elementary Long-Term  
Substitute Teacher

---

I recommend the hiring of Katherine Rieck as a long term substitute teacher for South Elementary first grade teacher Heidi Schultz while Mrs. Schultz is out for FMLA.

Katherine has done an exemplary job as a long-term substitute in Mrs. Minks room this year, and we are grateful she is willing to cover another leave of absence. Ms. Rieck will conduct conferences for Mrs. Schultz class on the evenings of Nov. 7 and 12 and during the school day Nov. 8. She will also utilize the teacher workday November 1 to submit grades.

**NEW EMPLOYEE SUMMARY**

- **Katherine Rieck**
  - Long-Term Substitute, South Elementary
    - Daily substitute rate \$180/day (assignment is 29 days)
  - Start Date: October 22, 2024
  - Last Day: December 2, 2024 (tentative)
  
  - *If this assignment is extended to 30 days, Ms. Rieck will be compensated based on Step 1/Lane MA*
    - \$55,867 (\$301/day)

CC: Katherine Rieck  
grp\_hire\_Certified



**MEMO TO:** Dr. Jeff Olson, Superintendent  
School Board

**FROM:** Jana Sykora

**DATE:** October 25, 2024

**SUBJECT:** South Elementary Long-Term  
Substitute Teacher

---

I recommend the hiring of Abby Alderman as a long term substitute teacher for South Elementary first grade teacher Elizabeth Wenner when Mrs. Wenner is out for FMLA.

Abby graduated from MSU Mankato in May 2024 after serving as a student teacher in Mrs. Eyler's classroom. She is currently serving as a long-term substitute in Mrs. Eyler's room, and we are glad she will be serving our first-graders again this winter!

**NEW EMPLOYEE SUMMARY**

- **Abby Alderman**
  - Long-Term Substitute, South Elementary
  - Daily rate based on Step 1/Lane BA
    - \$48,872
  - Start Date: December 12, 2024
  - End Date: March 7, 2025 (approximate)

CC: Abby Alderman  
grp\_hire\_Certified



**TO:** Dr. Jeff Olson, Interim  
Superintendent,  
School Board Members

**FROM:** Tami Skinner, Community & Family  
Education Director

**SUBJECT:** Saints Overtime Staff

**DATE:** Oct. 30, 2024

---

Interviews were conducted, and I am pleased to recommend Paige Gerads for the Saints Overtime Assistant position. Her work experiences make her a great candidate.

**NEW EMPLOYEE SUMMARY**

- **Paige Gerads**
- Rate of pay - \$15.75/hr.
- Part-time hours submitted on a timesheet
- 2024-25 School Year
- This is a replacement position.

Thank you for your consideration.  
CC: Paige Gerads



**MEMO TO:** Members of the School Board  
Superintendent Olson

**FROM:** Shea Roehrkasse, Activities  
Director

**DATE:** Monday, October 21, 2024

**SUBJECT:** Costume/Makeup Coordinator

---

I am pleased to recommend Gina Wegner for the position of Costume & Makeup Coordinator starting in the Fall of the 2024. Gina comes highly recommended and will be great to put some professional touches on our shows!

**NEW EMPLOYEE SUMMARY**

- **Gina Wegner**
  - \$695
  - Replacement Position

Thank you for your consideration.

CC: Gina Wegner  
grp\_hire\_certified



**MEMO TO:** Megan Gracia  
Lisa Pierson

**FROM:** Annette Engeldinger

**DATE:** 11/14/2023

**SUBJECT:** Family Medical Leave Request

---

This memo is to recommend the approval of a Family Medical Leave request for Kelly Jensen. She will be on leave starting on September 30, 2024 with an anticipated return date of November 11, 2024.

Kelly will attend a two-day training on October 28th and 29th and a half-day training on October 31st.

Please contact me with any questions.



**MEMO TO:** Dr. Jeff Olson  
District 508 School Board

**FROM:** Darin Doherty, Principal  
North Elementary School

**DATE:** October 29, 2024

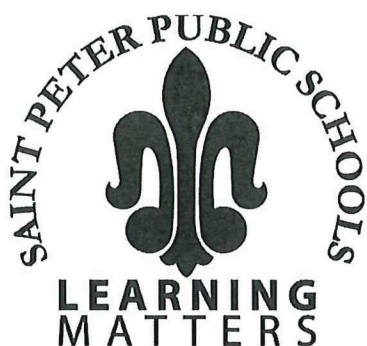
**SUBJECT:** FMLA Approval for Erin Domras

---

I am formally recommending the approval of Erin Domras's request for Family and Medical Leave Act (FMLA) leave, effective from October 25, 2024, through December 20, 2024, due to a scheduled medical procedure.

Please feel free to reach out if you have any questions or require further information.

CC: Erin Domras <[edomras@stpeterschools.org](mailto:edomras@stpeterschools.org)>  
grp\_hire\_para <[grp\\_hire\\_para@stpeterschools.org](mailto:grp_hire_para@stpeterschools.org)>



**MEMO TO:** Dr. Jeff Olson, Superintendent  
School Board

**FROM:** Jana Sykora, South Elementary Principal

**DATE:** October 29, 2024

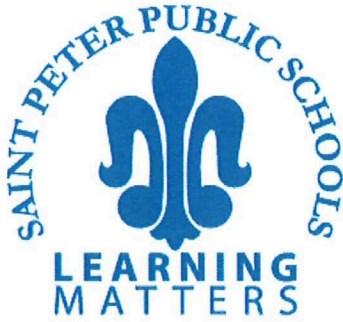
**SUBJECT:** FMLA Extension

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I recommend that you accept the FMLA extension request for Ms. Lisa Enz, paraprofessional at Oshawa Learning Academy. Lisa's return date is unknown at this time, but she will continue to provide us with medical documentation until she is able to return.

Please let me know if you have any questions.

Cc: Lisa Enz  
Grp\_hire\_certified



**MEMO TO: Superintendent Olson  
Saint Peter School Board**

**FROM: Gus Sorbo**

**DATE: 11/07/2024**

**SUBJECT: Family Medical Leave Request**

---

This memo is to recommend the approval of a Family Medical Leave request for Paul Johnson. He will be on leave October 30, 2024 -November 15, 2024 with an anticipated return date of November 18, 2024.

Thank you for your consideration and please contact me with any questions.

Cc: Paul Johnson  
grp\_hire\_misc@stpeterschools.org



**MEMO TO: Superintendent Olson  
Saint Peter School Board**

**FROM: Ytive Prafke**

**DATE: 11/11/2024**

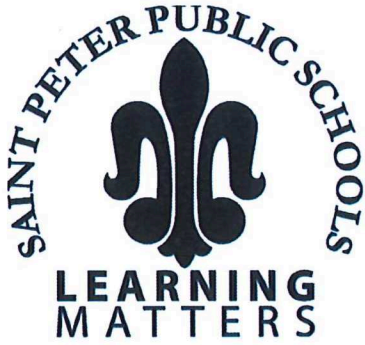
**SUBJECT: Family Medical Leave Request**

---

This memo is to recommend the approval of a Family Medical Leave request for Debra Schultz. She will be on leave November 11, 2024-November 27, 2024 with an anticipated return date of December 2, 2024.

Thank you for your consideration and please contact me with any questions.

Cc: Debra Schultz  
grp\_hire\_para



**MEMO TO:** Dr. Jeff Olson, Superintendent  
School Board

**FROM:** Jana Sykora, South Elementary Principal

**DATE:** November 15, 2024

**SUBJECT:** FMLA Leave Request

---

I recommend that you approve the request for family medical leave for Mrs. Christi Maloney, physical and DAPE teacher at South Elementary School. This medical leave will be November 18 through December 22, 2024.

Thank you,

Cc: Maloney, Christi  
Grp\_hire\_certified



Date: November 13, 2024

To: Dr. Jeff Olson, Superintendent

From: Darin Doherty, Principal  
North Elementary School

Re: Q1 - Overload Assignment  
2024-25 School Year

---

The following overload assignments have been assigned for the first quarter of the 2024-25 school year. We will continue to use this document to update overload each quarter.

**First Quarter (8/28-10/31)**

- Kent Bass P.E. Teacher: Took on an additional 54 students for 30.5 instructional days while Jordyn Jarr is on leave. Kent would like to have 2 comp days, instead of \$44/day for Q1.
- Amanda (Mandy) Kennedy School Social Worker: Social Work overload for 43 days (took on all 2nd grade students while Dave Ribar is on leave).
- Alex Noble 3rd Grade Teacher: Had 26 students for 43 days.
- Breanna Landsteiner 3rd Grade Teacher: Had 26 students for 43 days.
- Scott (John) Robinson 3rd Grade Teacher: Had 26 students for 17 days. New student added 10/07/24.
- Kari Malz 3rd Grade Teacher: Had 26 students for 43 days.
- Nicole (Niki) Zitur 3rd Grade Teacher: Had 26 students for 43 days.
- Jennifer (Jennie) Friedrich 4th Grade Teacher: Had 28 students for 43 days.

If you have questions, please contact me.

CC: Dr. Jeff Olson [jolson@stpeterschools.org](mailto:jolson@stpeterschools.org)  
Kimberley Deming [kdeming2@stpeterschools.org](mailto:kdeming2@stpeterschools.org)  
Lisa Pierson [lperson@stpeterschools.org](mailto:lperson@stpeterschools.org)  
Megan Gracia [mgracia@stpeterschools.org](mailto:mgracia@stpeterschools.org)

South Elementary  
1405 S. 7th Street  
Saint Peter, MN 56082  
(507) 934-2754



Dear Helen,

Congratulations! We're thrilled to announce that you've been chosen as a recipient of the "Student Spotlight" award at South Elementary School for November 2024. This recognition is a testament to your outstanding efforts in both academics and in your efforts to show good character and star pride. Your dedication to learning and your positive attitude have not only impressed your teachers but have also earned admiration from your peers.

Here is an excerpt from Helen's nomination:

**"I am thrilled to nominate Helen for the student spotlight because she is truly an outstanding student. Helen takes great responsibility for her own learning and has a very strong work ethic. During independent work time, she produces amazing results, always striving to deliver her best. Helen is patient and focused, ensuring that she does her best work at every task before moving on to the next task.**

**Beyond her academic achievements, Helen is a wonderful friend to her peers. She radiates kindness, welcoming everyone with a friendly smile and always treats others with respect."**

We're excited to share that there will be a special acknowledgement for you at the School Board meeting on Monday, November 18, at 6:30 p.m. The meeting will take place in the Governor's Room at the St. Peter Community Center. We extend a warm invitation to you and your family to join us for this event, where the School Board will celebrate you as South Elementary's "Student Spotlight" for November 2024. If you have any questions, feel free to contact me at 507-934-2754 ext. 3031.

Sincerely,

Jana Sykora  
Principal  
South Elementary School

CC: Ms. Alderman, Mrs. Eyler and Dr. Jeff Olson

South Elementary  
1405 S. 7th Street  
Saint Peter, MN 56082  
(507) 934-2754



Dear Daleyza,

Congratulations! We're thrilled to announce that you've been chosen as a recipient of the "Student Spotlight" award at South Elementary School for November 2024. This recognition is a testament to your outstanding efforts in both academics and in your efforts to show good character and star pride. Your dedication to learning and your positive attitude have not only impressed your teachers but have also earned admiration from your peers.

Here is an excerpt from Daleyza's nomination:

**"Daleyza is a hard worker, who does her best on everything. Daleyza is a conscientious learner who pays great attention to detail. She is kind to everyone and helps when someone needs it. I am so proud of how hard she works and how much she is learning this year!"**

We're excited to share that there will be a special acknowledgement for you at the School Board meeting on Monday, November 18, at 6:30 p.m. The meeting will take place in the Governor's Room at the St. Peter Community Center. We extend a warm invitation to you and your family to join us for this event, where the School Board will celebrate you as South Elementary's "Student Spotlight" for November 2024. If you have any questions, feel free to contact me at 507-934-2754 ext. 3031.

Sincerely,

Jana Sykora  
Principal  
South Elementary School

CC: Mrs. Bjorklund and Dr. Jeff Olson



## ADDENDUM

### REGULAR BOARD MEETING Monday, November 18, 2024 SPCC-Governor's Room 6:30PM

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#### VII. ACTION ITEMS

<b>1. AGENDA ITEM #1</b>
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**Subject:** Consider Acceptance of Gifts, Donations and Grants

**Action:** Requires a Motion

**Background:** The following gifts, donations and grants have been generously offered to Saint Peter Public Schools:

1. A donation of \$200 was made to the School District by Paul and Avis McDaniel and Paul and Diane Huso. This donation is to go towards the Emily Kracht Scholarship. Emily was a beloved EL teacher within the District and we appreciate the commitment her family and friends have in continuing to support her love for education.
2. The Govenaires Performing Arts Association continues to offer music lessons through a partnership with Saint Peter Community & Family Education. They have provided instructors with a \$750 donation to help defray some of the participant fees for Private Percussion Lessons. We are very grateful for their generosity and commitment to inspiring people through music.
3. A donation in the amount of \$1,576.55 was received from the SPHS class of 2023. An attempt was made to reach the class officers to initiate creating an account for the class. A deadline of June 1, 2024 was given for them to respond by and a response was never received. Due

to no response or correspondence on a plan for the account, we are closing the class of 2023 account and the money will be going back to the activities department.

4. A donation in the amount of \$1,931.01 was received from the SPHS class of 2021. An attempt was made to reach the class officers to initiate creating an account for the class. A deadline of June 1, 2024 was given for them to respond by and a response was never received. Due to no response or correspondence on a plan for the account, we are closing the class of 2023 account and the money will be going back to the activities department.
5. A \$7,725.11 donation from the St. Peter Booster Club was received to reimburse St. Peter Public Schools for purchases the district made on behalf of the Booster Club.

**Presentation:** Superintendent of Schools, Jeff Olson

**Options/Recommendation:** I recommend accepting these gifts, donations and grants.



**TO:** Superintendent Jeff Olson  
School Board Members

**FROM:** Megan Gracia, Business Manager

**DATE:** October 29<sup>th</sup>, 2024

**RE:** Donation – Emily Kracht Scholarship

---

A donation of \$200 was made to the School District by Paul and Avis McDaniel and Paul and Diane Huso. This donation is to go towards the Emily Kracht Scholarship. Emily was a beloved EL teacher within the District and we appreciate the commitment her family and friends have in continuing to support her love for education.

We request that you accept this donation.



**TO: Jeff Olson, Interim Superintendent  
School Board**

**FROM: Tami Skinner, Community & Family  
Education Director**

**SUBJECT: Donation**

**DATE: Nov. 7, 2024**

---

Since Fall 2022, Saint Peter Community & Family Education has partnered with the Govenaires Performing Arts Association to enrich our music education programs. Through their generous support, the Govenaires provide experienced instructors and have recently contributed a \$750 donation to help lower participant fees for the following music lessons:

- **Private Percussion Lessons**

We sincerely appreciate the Govenaires' commitment to inspiring our community through music. I recommend that this generous donation be accepted.



**MEMO TO:** Superintendent, Jeff Olson  
Members of the School Board

**FROM:** Shea Roehrkasse

**DATE:** 11/11/2024

**SUBJECT:** Class of 2023 Donation

---

Please accept this donation from the SPHS class of 2023 for \$1,576.55. We attempted to reach their class officers multiple times to create an account for them to use their funds but we never received a response. There was a deadline of June 1, 2024 from our last correspondence. Due to no response or correspondence on a plan for the account we are closing the class of 2023 account and the money will be going back to the activities department.

Thank you,

Shea Roehrkasse  
Activities Director



**MEMO TO:** Superintendent, Jeff Olson  
Members of the School Board

**FROM:** Shea Roehrkasse

**DATE:** 11/11/2024

**SUBJECT:** Class of 2021 Donation

---

Please accept this donation from the SPHS class of 2021 for \$1,931.01. We attempted to reach their class officers multiple times to create an account for them to use their funds but we never received a response. There was a deadline of June 1, 2024 from our last correspondence. Due to no response or correspondence on a plan for the account we are closing the class of 2021 account and the money will be going back to the activities department.

Thank you,

Shea Roehrkasse  
Activities Director



**MEMO TO:** Superintendent, Jeff Olson  
Members of the School Board

**FROM:** Shea Roehrkasse

**DATE:** 11/14/2024

**SUBJECT:** 11/13 Booster Reimbursement  
Donation

---

Please accept this donation from the St. Peter Booster Club of \$7,725.11. I met with the treasurer of the Booster Club on Wednesday 11/13 to review transactions from October to 11/12/24. This donation is to reimburse St. Peter Public Schools for purchases the district made on behalf of the Booster Club.

Thank you,

Shea Roehrkasse  
Activities Director

#	Sport	Coach	Item Description	Amount
1	Girls Tennis	Rothenberger	BW 10.7.24 (Parents Night)	\$258.55
2	Girls Soccer	Landsteiner	MM 10.7.24 (Parade)	\$88.84
3	Volleyball	C. Hanson	JS 10.10.24 (Trip Stuff)	\$71.74
4	Swim/Dive	Maercklein	JW 10.10.24 (Parent/Senior Night)	\$79.58
5	Programs	Roehrkasse	GAC 9/1-9/30	\$839.16
6	Boys Soccer	Nadeau	Bus to Loons	\$282.56
7	Swimming	Maercklein	LL 10.22.24	\$48.20
8	Football	Helget	JH 10.25.24	\$337.07
9	Swimming	Maercklein	JM 10.23.24	\$636.95
10	Swimming	Maercklein	SR 10.23.24	\$44.78
11	Boys Soccer	Nadeau	MNUFC Parking	\$50.00
12	Boys Soccer	Nadeau	MNUFC (tickets)	\$152.00
13	Football	Helget	Pizza Ranch (Marshall)	\$644.38
14	Girls Basketball	Southworth	BS 10.29.24 (Coach Membership)	\$65.00
15	Swimming	Maercklein	LL 10.29.24	\$129.42
16	Football	Helget	CD 10.28.24	\$122.77
17	Volleyball	C. Hanson	CH 10.28.24	\$45.71
18	Football	Helget	Voigt #31804	\$2,316.82
19	Swimming	Maercklein	MMB #6755	\$1,049.97
20	Girls Basketball	Southworth	BS 10.29.24 (Coach Gear)	\$339.90
21	Girls Soccer	Landsteiner	MM 11.1.24	\$66.71
22	Track/XC	Portugue	JP 11.13.24 (Coach Membership)	\$55.00
			Met with Bob on 11/13/24	\$7,725.11



## ADDENDUM

### REGULAR BOARD MEETING Monday, November 18, 2024 SPCC-Governor's Room 6:30PM

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#### VII. ACTION ITEMS

<b>2. AGENDA ITEM #2</b>
--------------------------

**Subject:** Declaration of Obsolete or Outdated Equipment

**Action:** Requires a Motion

**Background:** Board Policy 802 - Disposition of Obsolete Equipment and Material provides direction to the school district on the disposition of obsolete and outdated equipment. This process is used on an as needed basis as equipment is removed from the operations of the district. Included in your materials for the meeting is a list of materials that are being recommended to be deemed obsolete. If approved, this allows the school district to dispose of equipment at auction that is no longer in use.

**Presentation:** Superintendent of Schools, Jeff Olson  
Operations and Maintenance Supervisor, Seth Putz

**Options/Recommendation:** I recommend your approval of declaring the list of equipment as presented as obsolete and outdated.





## ADDENDUM

### REGULAR BOARD MEETING Monday, November 18, 2024 SPCC-Governor's Room 6:30PM

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#### VII. ACTION ITEMS

##### ***3. AGENDA ITEM #3***

**Subject:** Consider Approval of the World's Best Workforce (WBWF) and Comprehensive Achievement and Civic Readiness (CACR) Reports

**Action:** Requires a Motion

**Background:** Each year, the district is required to submit a World's Best Workforce Report (WBWF) to the Minnesota Department of Education. The requirements are that school districts develop and present an annual report that addresses four key areas: school readiness, closing the achievement gap, career and college readiness, and high school 4 year graduation. In 2023-2024, we continued to focus on 3rd Grade Literacy as a goal.

During the 2024 session, the Minnesota Legislature renamed the World's Best Workforce to Comprehensive Achievement and Civic Readiness (CACR); The focus of CACR is to improve PreK-12 academic achievement and to prepare students to be active members of their community after graduation. As a part of the change, a fifth goal area was added: Prepare students to be lifelong learners. This change will take effect this school year and will be reflected in the Fall 2025 CACR Report. The presentation of the report at tonight's meeting will include progress in meeting 2023-2024 WBWF goals as well as goals established for 2024-2025 for WBWF/CACR goals.

**Presentation:** Superintendent of Schools, Jeff Olson  
High School Principal, Annette Engeldinger

**Options/Recommendation:** I recommend your approval of the report.

SAINT PETER PUBLIC SCHOOLS



**WORLD'S BEST  
WORKFORCE PLAN**

**ANNUAL REPORT**

**2023 -2024 School Year**

Saint Peter Early Childhood, South Elementary, North Elementary,  
Saint Peter Middle School, Saint Peter High School, Rock Bend Area Learning Center

## About this report

The 2023-2024 World's Best Workforce (WBWF) Report documents student achievement and the strategies and initiatives the district implemented to achieve that level of achievement.

The report addresses all five educational areas outlined in the district's WBWF Plan:

1. School Readiness
2. 3rd Grade Literacy
3. Closing the Achievement Gap
4. Career and College Readiness for All
5. High School Graduation

The strategies and initiatives listed in **School Readiness** focus on the literacy, numeracy, self-help, and social and emotional skills that children need to be successful in kindergarten. The data points suggest that these efforts, such as the alignment of Early Childhood programming with the K-12 curriculum, the development of a PLC model, and continued training for preschool teachers, are reaping benefits. Kindergarteners who attend preschool perform significantly better than their non-pre-school peers.

At North Elementary School, 3rd Grade Literacy means that students completing grade three will be proficient readers, either meeting or exceeding Minnesota Academic Standards in reading. North's strategies and initiatives range across curriculum and programming, targeted interventions, and professional learning communities. The data shows that although we continue to perform higher than the state average, there is still work to be done in this area to address the downward trend of our data.

The **Achievement Gap** refers to the differences in academic performance between groups of students. Closing gaps in achievement and ensuring all students are performing at high levels is critical to the social and economic well-being of Saint Peter Public Schools and, ultimately, Minnesota and the nation. To understand the achievement gap, it is important to know the different types of students enrolled in Saint Peter Public Schools and the achievement of each of those groups. To truly close achievement gaps, all students should improve over time. **For those students who lag behind their peers, achievement must be accelerated.** For those students already achieving at high levels, their achievement is maintained. We have had some success in closing gaps, but Saint Peter Public Schools still have more work to do. The Minnesota Department of Education and our school district are working on initiatives to ensure all students are performing at high levels.

That all students graduate from Saint Peter High School career and college ready, prepared to enter the next phase of learning and life, is the focus of **College and Career Readiness for All**. Rigorous and relevant courses are at the heart of career and college readiness. Students can take college-level, credit-generating courses in core subjects such as English, science, math, world language, and social studies. Saint Peter High School is preparing for growth in Career and Technical Education areas, as well. Key initiatives are the Culinary Arts program, Health Science and Agri-Science Academies, and our Metals and Manufacturing offerings. Individualized career guidance planning involved career inventory tests, college readiness exams, and additional career exploration opportunities. ACT scores, senior exit surveys, concurrent course enrollment and credits earned, and Minnesota Department of Education data regarding graduates and

their college acceptance and performance show the success of these efforts.

In Saint Peter Public Schools, the **Graduation** rate goal is always that 100% of our students earn a high school diploma. Saint Peter High School's graduation rate is 9.2% above the state average, but we continue to work toward a 100% graduation rate. This report includes a closer look at the student success rates with our varied credit recovery programs.

## **1. School Readiness**

### **Student Achievement Goal**

85% of children who enter kindergarten in the fall of the 2023-2024 school year with word skills, number skills, fine motor, and social and emotional skills that are at or above level on the Kindergarten Entrance Checklist.

### **Outcome**

Based upon the average of the data collected in the areas of Social Emotional Skills, Word Skills, Number Skills, and Fine Motor Skills, the Readiness Goal was met.

### **Kindergarten Entrance Checklist**

**Please Note: The Fall 2023 Entrance Checklist is an updated checklist from previous years.**

Number of Students in the Data Collection: 132

**90%** of all incoming kindergarten students in the 23-24 school year were at or above level in **SOCIAL EMOTIONAL SKILLS.**

**91%** of all incoming kindergarten students in the 23-24 school year were at or above level in **WORD SKILLS.**

**91%** of all incoming kindergarten students in the 23-24 school year were at or above level in **NUMBER SKILLS.**

**82%** of all incoming kindergarten students in the 23-24 school year were at or above level in **FINE MOTOR SKILLS.**

### **Strategies and Initiatives**

- Alignment of Early Childhood programming with K-12
  - Early Childhood teachers meet on a regular basis to ensure that their instruction aligns with the Early Childhood Indicators of Progress and the Kindergarten Entrance Checklist.
- K Ready Program
  - K Ready programming provides an option for students who are age-eligible for Kindergarten but could benefit from an additional year of readiness. This program is a 5-day per week morning school readiness option focused on kindergarten entrance skills.
- Parental involvement opportunities
  - Opportunities for parents to visit and participate in classroom activities are encouraged throughout the preschool program. Parents are invited to attend conferences three times per year, and open communication is encouraged through email, phone calls, and shared virtual spaces such as Homeroom and
- Professional Learning Communities
  - All District Early Childhood teachers are part of a professional learning community that meets on a regular basis to review student growth and implement a plan, do, check, act cycle of instruction and intervention.

## **2. 3rd Grade Literacy**

### **Student Achievement Goal**

The percentage of all students enrolled in grade 3 at North Elementary before December 15, 2023, who are proficient on the state accountability test (READING MCA ) will increase from 48.9% in 2023 to 50.9% in 2024.

### **Outcome**

Goal met. The percentage of all students enrolled in grade 3 at North Elementary before December 15, 2024, who were proficient on the state accountability test (READING MCA) increased from 48.9% in 2023 to 53.6% in 2024.

### **Strategies and Initiatives**

#### Curriculum and Programming

- Standards-Based Core Instruction
- Lexia
- UFLI -Phonics
- Fountas and Pinnell Classroom
- Leveled Literacy Instruction (LLI)
- Press Materials
- Heggerty-Phonemic Awareness Program

#### Interventions

- Multi-tiered Systems of Support Including:
  - Schoolwide Screening
  - Classwide Interventions
  - Diagnostic Assessment
  - Guided Reading (Leveled Instruction)
  - Reading Interventionist
  - Progress Monitoring
- Title One
- Reading Corps
- Targeted Service Program
- Extended School Year

#### Professional Learning Communities

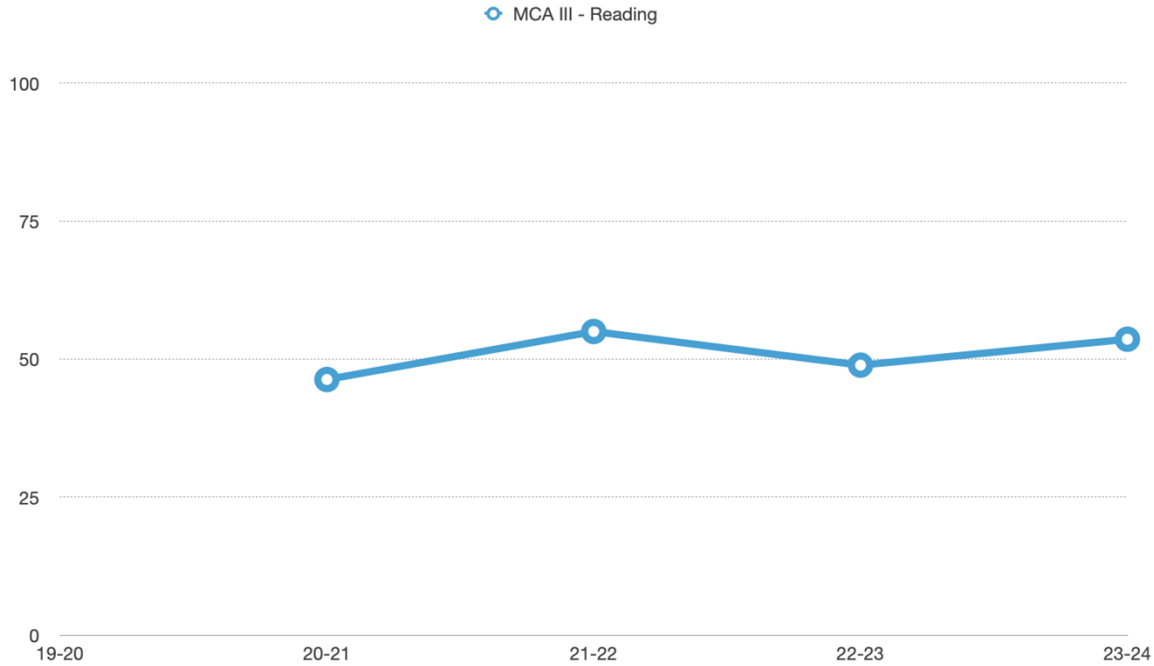
- SMART goals, examination of student work, interventions, common formative and summative assessments.

## 3rd Grade MCA Reading Results - 2019-2024

% of students that met or exceeded in READING by year

The values in the table to the right are the percentages of ALL 3rd grade students who met or exceeded expectation on the MCA III assessments in READING.

ASSESSMENT	19-20	20-21	21-22	22-23	23-24	
MCA/MTAS - Reading		46.3	55.0	48.9	53.6	51.0



### 3. Closing the Achievement Gap

#### **Goal for 2023-24:**

The Saint Peter School District aimed to reduce the math proficiency gap between English Learners (EL) and non-English Learners from 33.7% in 2023 to 31.7% in the 2024 math accountability assessments (MCA III).

**Outcome:**

The achievement gap increased to 40.7% in 2024, which was not enough to meet the goal of 31.7%.

<p><b>2023 Math Assessments:</b>  Students receiving EL services: 18%  Students not receiving EL services: 51.7%  Achievement gap: 33.7%</p>	<p><b>2024 Math Assessments:</b>  Students receiving EL services: 11.1%  Students not receiving EL services: 51.8%  Achievement gap: 40.7%</p>
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Overall, the district did not achieve its goal to close the achievement gap, and the percentage of students receiving EL services decreased in 2024.

**Strategies and Initiatives**

Interventions

- Problem-Solving Team
- Tiered instruction
- Guided Reading
- Title One
- Reading Corps
- Targeted Service Program
- Extended School Year

Professional Learning Communities

- SMART goals, examination of student work, interventions, common formative and summative assessments

District Equity Initiatives

- Focus on Core (tier 1) Instruction
- English Language Services
- Pre-K-12 District Equity Framework
- Disaggregation of achievement data at all sites
- Read and Feed Summer Program
- Children’s Weekend Food Program

Comparing various student groups to their counter student group allows an analysis of achievement gaps. Please note that previous demographic codes have been changed in this report to the seven federal demographic codes below as of December 2016.

- English Learners vs. Non-English Learners (goal set in this area)
- Special Education vs. Non-special Education
- Free/Reduced Priced Lunch vs. Non-Free/Reduced Price Lunch
- Migrant vs. Non-Migrant
- Enrolled Oct. 1 vs. Not Enrolled Oct. 1
- Contrasting Race
- Contrasting Ethnicities

## **4. Career and College Readiness**

### **Student Achievement Goal**

The average composite score of those students graduating in 2024 who take the ACT will increase from 19.8 to 20.0.

**Outcome:** The average composite score of those students graduating in 2024 who took the ACT increased from 19.8 to 20.3. The achievement goal was met.

The number of students earning Industry certifications will increase by 5%.

**Outcome:** Goal not met.

### **Strategies and Initiatives**

- Curriculum & Instruction
  - PSEO (Post-Secondary Enrollment Options)
  - Concurrent Enrollment
  - Advanced Placement Courses
  - Academy opportunities
  - Additional CTE course offerings
  - Articulated course offerings
  
- Programs
  - Career Navigator - 9th grade
  - Sophomore Career Expo
  - Junior/Senior meetings for Personal Learning Plans
  - FAFSA Information night
  - College and Career Readiness Day
    - Freshman Career Interest Inventories
    - Sophomore Pre-ACT
    - Junior ACT, ASVAB
    - Senior college/career plan finalization
  - PSAT for Sophomores & Juniors
  - Naviance career and college curriculum weekly during Saint's Time
  - Construct Tomorrow
  - Tour of Manufacturing
  - Student Leadership Development (Co-Curricular Program, Student Council, National Honor Society, Captain's Council, )
  - Farm to School
  - Scrubs Camp
  - College Knowledge Month, including College Application Day, Senior Decision Day, College Rep visits
  - College Prep Day at Twins Game

- Direct Admissions Program Participation

**Concurrent Enrollment**

Courses offered 2023-2024:

Information Technology

- SCC Foundations of Computing - 13 students, 52 credits

Health Care

- SCC Health Care Core Foundations - 20 students, 80 credits
- SCC Medical Terminology - 16 students, 48 credits

General Education

- MSU Biology - 28 students, 112 credits
- MSU Compositions - 65 students, 260 credits
- MSU Poli Sci - 48 students, 192 credits
- MSU Psych - 14 students, 56 credits
- MSU Public Speaking - 25 students, 75 credits
- MSU Spanish - 8 students, 32 credits
- MSU Health and the Environment - 27 students, 81 credits

Fine Arts

- MSU Pop Music - 17 students, 51 credits

College credits earned 2023-2024: 1039 credits

Saving students/families approximately: \$317,541 in tuition dollars in 2023-2024

**High School student enrollment in courses with articulation agreements:**

- Building Trades - 12 students
- Child Development & Parenting - 47 students
- Introduction to Power Mechanics - 39
- Principles of Metalworking II - 8
- Principles of Plant Science & Greenhouse Management - 17
- Woodworking - 83

**Industry Certifications**

	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
American Welding Society	25	30	45	34	0
Certified Nursing Assistants	1	7	12	16	13

### Credit Requirements for Graduation

	Total Credits	English	Math	Science	Social Studies	Art	PE/Health	Elective Credits
State of MN	21.5	4	3	3	3.5	1	0	7
SPHS	27	4	4	4	3.5	1	1.5	8

### ACT Average Scores, 2020-2024

Testing Year	Number of Students Tested	English	Math	Reading	Science	SPHS Composite
2020	196	18.8	20.4	21.3	20.5	20.4
2021	127	20.2	20.8	22.4	20.8	21.2
2022	170	20	20.6	22.7	21.3	21.3
2023	162	17.7	19	20.7	19.8	19.4
2024	119	19.1	19.8	21.4	20.6	20.3

### 2022 College Going

The total number of students earning a regular high school diploma who enrolled in any institution of higher education within 16 months of graduation.

	# of students earning HS diploma	# enrolled in any IHE within 16 months	% Enrolled within 16 months
Statewide	62,932	28,168	61%
SPHS	126	87	69%

### 2022 College Credit Accumulation

The total number of students who graduated from high school with a regular high school diploma and enrolled in a public institution of higher education within 16 months of graduation and who earned one year of college credit within two years of enrollment in a public institution of higher learning.

	# of students enrolling in	# of students earning 1	% earning 1 year of credit

	a public IHE within 16 months	year of credit within 2 years of enrollment	within 2 years of enrollment
Statewide	22,210	12,715	57%
SPHS	46	29	63%

## **5. High School Graduation**

### **Student Achievement Goal**

Saint Peter High School will increase its graduation rate from 88.1% to 90%.

**Outcome:** Saint Peter High School increased its graduation rate from 88.1% to 92.5%. Goal met.

### **Strategies and Initiatives**

#### **PreK-12 Curriculum & Instruction**

- Professional Learning Community Model

#### **Credit Recovery Programs**

	<b>20-21</b>	<b>21-22</b>	<b>22-23</b>	<b>23-24</b>
Summer School	146 students 128.5 credits	99 students 79.5 credits	66 students 45 credits	69 students 42.5
Extended Day	50 students 36.25 credits	57 students 30.5 credits	67 students 45.5 credits	74 students 42.5 credits
Annual total	164.75 credits	110 credits	90.5 credits	85 credits

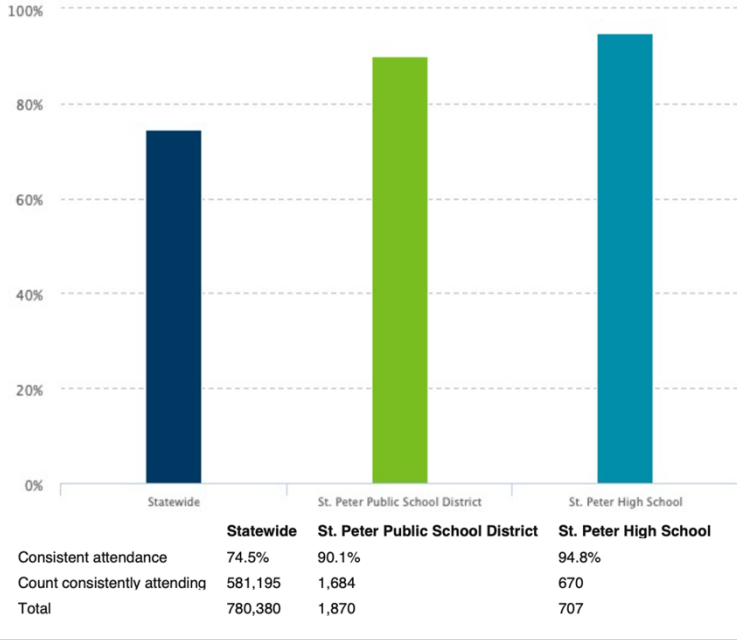
#### **School Counseling Program**

- Student meetings
- Plan development and monitoring

**Minnesota Report Card**  
**North Star Consistent Attendance: Are students attending school regularly?**

St. Peter High School St. Peter Public School District  
 Year: 2023 Demographics: All Students

**Consistent Attendance**



**Four Year Graduation Rate**

Year	State Grad Count	State Grad %	SPHS Grad Count	SPHS grad %
2019	57,171	83.7%	138	87.9%
2020	56,684	83.8%	156	91.2%
2021	57,137	83.3%	162	91.5%
2022	58,586	83.6%	126	88.1%
2023	58,293	83.3%	149	92.5%



## Saint Peter Public Schools WBWF/CACR Goals 2024-2025

### **Goal Area 1: All children are ready for school.**

**2023-2024 Goal:** 85% of children who enter kindergarten in the fall of the 2023-2024 school year with word skills, number skills, fine motor, and social and emotional skills are at or above level on the Kindergarten Entrance Checklist. (Met at 88.5%)

**2024-2025 Goal:** 86% of children who enter kindergarten in the fall of the 2024-2025 school year with word skills, number skills, fine motor, and social and emotional skills are at or above level on the Kindergarten Entrance Checklist.

### **Goal Area 2: All racial and economic achievement gaps between students are closed.**

**2023-2024 Goal:** The Saint Peter School District aimed to reduce the math proficiency gap between English Learners (EL) and non-English Learners from 33.7% in 2023 to 31.7% in the 2024 math accountability assessments (MCA III). (Not met)

**2024-2025 Goal:** The average proficiency rate of multilingual learners in MCA reading assessments will increase from 5.8% to 7.8% (a 2% increase) over the previous three years.

### **Goal Area 3: All students are ready for career and college.**

**2023-2024 Goal 1:** The average composite score of those students graduating in 2024 who take the ACT will increase from 19.8 to 20.0. (Met at 20.3)

**2023-2024 Goal 2:** The number of students earning Industry certifications will increase by 5%. (Not met)

**2024-2025 Goal:** The high school will implement a Diploma Plus program for all SPHS graduates. The number of students graduating with high school experience in at least one of the following areas will increase by 2% during the 2024-2025 school year. (Full implementation for the graduating class of 2029)

- College credits earned during high school
- MN Transfer Curriculum certification
- Industry certification earned during high school
- Workplace ready experience

### **Goal Area 4: All students graduate from high school.**

**2023-2024 Goal:** Saint Peter High School will increase its graduation rate from 88.1% to 90%. (Met at 92.5%)

**2024-2025 Goal:** Saint Peter High School will increase its graduation rate from 92.5% to 93%.

**Goal Area 5: Prepare students to be lifelong learners.**

**2024-2025 Goal:** The district will develop and implement plans to teach and assess the C3 Framework in the social studies curriculum by fall 2025.



## ADDENDUM

### REGULAR BOARD MEETING Monday, November 18, 2024 SPCC-Governor's Room 6:30PM

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#### VII. ACTION ITEMS

##### **4. AGENDA ITEM #4**

**Subject:** Consider Approval of a Second/Final Reading of Revisions to the Policy Manual

**Action:** Requires a Motion

**Background:** The Policy Committee has reviewed the following policy and is recommending it for approval. This policy had a first reading at the October 21, 2024 School Board Meeting.

- Policy 522 - Title IX Sex Discrimination Policy, Grievance Procedure and Process
  - Due to significant changes to Title IX rules, MSBA recommends a new version of the policy. This policy been updated to reflect necessary inserts for our school district. The policy, in its entirety, is included in BoardBook for your review.

**Presentation:** Superintendent of Schools, Jeff Olson  
Policy Committee

**Options/Recommendation:** I recommend your approval of a new Policy 522.

Adopted:                     November 2024

~~MSBA/MASA Model~~ Policy 522

Orig. 1995

Revised:                     November 2024

Rev. 2024

**522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS**

**[NOTE: In 2024, the U.S. Department of Education, Office of Civil Rights (OCR), released the latest version of the Final Rule amending Title IX regulations at 34 Code of Federal Regulations, part 106. These regulations have an effective date of August 1, 2024.]**

**I. GENERAL STATEMENT OF POLICY**

- A. The school district does not discriminate on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, in any education program or activity that it operates, including in admission and employment. The school district does not discriminate in such a manner in its implementing regulations. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. Except as provided elsewhere under Title IX or its regulations, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the school district.
- C. The school district prohibits sex-based discrimination or sexual harassment that occurs within its education programs and activities. The school district shall promptly respond in a manner that is prompt and effective.
- D. Except as provided therein, Title IX and its regulations apply to all sex discrimination occurring under a school district's education program or activity in the United States. For the purpose of this paragraph, conduct that occurs under the school district's education program or activity includes but is not limited to conduct that is subject to the school district's disciplinary authority. The school district has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the school district's education program or activity or outside the United States.
- E. The school district has adopted, published, and implemented grievance procedures consistent with the requirements of 34 Code of Federal Regulations, section 106.45, and if applicable section 106.46, that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the school district's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or its regulations.
- F. The school district's obligation to comply with Title IX and its regulations is not obviated or alleviated by the Federal Educational Rights and Privacy Act (FERPA), 20 United States Code, section 1232g, or its implementing regulations, 34 Code of Federal Regulations, part 99, or any state law or local law. The obligation to comply is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by the school district and

which receives Federal financial assistance.

- G. The school district has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the school district's education program or activity or outside the United States.
- H. Nothing in Title IX or its regulations may be read in derogation of any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a complainant, respondent, or other person, subject to Paragraph F of this section, including but not limited to making a complaint through the school district's grievance procedures for complaints of sex discrimination.
- I. In the limited circumstances in which Title IX or its regulations permits different treatment or separation on the basis of sex, the school district must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by 20 United States Code, section 1681(a)(1) through (9) and the corresponding regulations sections 106.12 through 106.15, 20 United States Code, section 1686 and its corresponding regulation section 106.32(b)(1), or section 106.41(b). Adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis harm on the basis of sex.
- J. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator(s) is/are:

~~{INSERT: NAME(S) TITLE(S) PHONE NUMBER(S) OFFICE ADDRESS(ES) EMAIL ADDRESS(ES)}~~

**Ytve Prafke: Title IX Coordinator**  
**Phone: 507-934-4211 Ext. 1010**  
**Address: Saint Peter Public Schools**  
**100 Lincoln Drive, Suite 229**  
**St. Peter, MN 56082**  
**Email: [yprafke@stpeterschools.org](mailto:yprafke@stpeterschools.org)**

Inquiries about Title IX and its regulations may be referred to the Title IX Coordinator(s), the United States Department of Education's Office for Civil Rights, or both.

- K. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to ~~{INSERT: LINK TO LOCATION(S) ON WEBSITE OR OTHERWISE DESCRIBE LOCATION(S)}~~ <https://www.stpeterschools.org/>
- L. The effective date of this policy is August 1, 2024, and applies to alleged violations of this policy occurring on or after August 1, 2024.

## II. DEFINITIONS

- A. "Admission" means selection for part-time, full-time, special, associate, transfer, exchange or any other enrollment, membership, or matriculation in or at an education program or activity operated by the school district.
- B. "Complainant" means

1. a student or employee of the school district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
  2. a person other than a student or employee of the school district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in a school district education program or activity at the time of the alleged sex discrimination.
- C. "Complaint" means an oral or written request to the school district that objectively can be understood as a request for the school district to investigate and make a determination about alleged discrimination under Title IX or its regulations.

1. A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 Code of Federal Regulations, section 106.44(f)(1)(v).
2. The following individuals have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the school district investigate and make a determination about alleged discrimination under Title IX:
  - a. a complainant;
  - b. a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
  - c. the school district's Title IX Coordinator.

**[NOTE: When a Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination under Title IX (and in the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process), the Title IX Coordinator must determine whether to initiate a complaint of sex discrimination as required under Title IX. The requirements for such a fact-specific determination are set forth in 34 Code of Federal Regulations, section 106.44(f)(1)(v).]**

3. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the persons listed above, the following persons have a right to make a complaint:
    - a. any school district student or employee; or
    - b. any person other than a school district student or employee who was participating or attempting to participate in a school district education program or activity at the time of the alleged sex discrimination.
- D. "Confidential employee" means
1. A school district employee whose communications are privileged or confidential under Federal or Minnesota law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which

- privilege or confidentiality applies; or
2. A school district employee whom the school district has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.
- E. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- F. "Disciplinary sanctions" means consequences imposed on a respondent following a determination under Title IX that the respondent violated the school district's prohibition on sex discrimination.
- G. "Parental status" as used in Title IX and its regulations means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:
1. A biological parent;
  2. An adoptive parent;
  3. A foster parent;
  4. A stepparent;
  5. A legal custodian or guardian;
  6. In loco parentis with respect to such a person; or
  7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- H. "Party" means a complainant or respondent.
- I. "Peer retaliation" means retaliation by a student against another student.
- J. "Pregnancy or related conditions" means:
1. Pregnancy, childbirth, termination of pregnancy, or lactation;
  2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
  3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- K. "Program or activity" and "program" means all of the operations of a local education agency as defined in 20 United States Code, section 8801, a special purpose district, a system of vocational education, or other school system.
- L. "Relevant" means related to the allegations of sex discrimination under investigation as part of the grievance procedures under Title IX and 34 Code of Federal Regulations, section 106.44. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex

discrimination occurred.

- M. "Remedies" means measures provided, as appropriate, to a complainant or any other person the school district identifies as having had their equal access to the school district's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the school district's education program or activity after a school district determines that sex discrimination occurred.
- N. "Respondent" means a person who is alleged to have violated the school district's prohibition on sex discrimination.
- O. "Retaliation" means intimidation, threats, coercion, or discrimination against any person by the school district, a student, or an employee or other person authorized by the school district to provide aid, benefit, or service under the school district's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.
- P. "Sex-based harassment" prohibited by Title IX and its regulations is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment.*

An employee, agent, or other person authorized by the school district to provide an aid, benefit, or service under the school district's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

2. *Hostile environment harassment.*

Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the school district's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the complainant's ability to access the school district's education program or activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within the school district's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in the school district's education program or activity; or

3. *Specific offenses.*

- a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - b. Dating violence meaning violence committed by a person:
    - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
      - (a) The length of the relationship;
      - (b) The type of relationship; and
      - (c) The frequency of interaction between the persons involved in the relationship;
  - c. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
    - i. is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the state of Minnesota, or a person similarly situated to a spouse of the victim;
    - ii. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
    - iii. shares a child in common with the victim; or
    - iv. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
  - d. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - i. Fear for the person's safety or the safety of others; or
    - ii. Suffer substantial emotional distress.
- Q. "Student" means a person who has gained admission.
- R. "Student with a disability" means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, or a child with a disability as defined in the Individuals with Disabilities Education Act.
- S. "Supportive measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
- 1. Restore or preserve that party's access to the school district's education program or activity, including measures that are designed to protect the safety of the parties or the school district's educational environment; or
  - 2. Provide support during the school district's grievance procedures or during the informal resolution process.

The school district will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the school district's education program or activity or provide support during the school district's Title IX grievance procedures or during the informal resolution process.

T. "Title IX" means Title IX of the Education Amendments of 1972, as amended.

### **III. DESIGNATION OF TITLE IX COORDINATOR AND DESIGNEES**

- A. The school district must designate and authorize at least one employee, referred to as a Title IX Coordinator, to coordinate its efforts to comply with its obligations under Title IX and its regulations. ~~If a school district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over the responsibilities and ensure the school district's consistent compliance with its responsibilities under Title IX and its regulations.~~
- B. As appropriate, the school district may delegate, or permit a Title IX Coordinator to delegate, specific duties to one or more designees.

### **IV. PARENTAL, FAMILY, OR MARITAL STATUS; PREGNANCY OR RELATED CONDITIONS**

A. Status Generally

The school district must not adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.

B. Pregnancy or Related Conditions

1. Nondiscrimination

The school district must not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. The school district does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided the school district ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

2. Responsibility to Provide Title IX Coordinator Contact and Other Information

The school district must ensure that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the school district's education program or activity.

3. Specific Actions to Prevent Discrimination and Ensure Equal Access

The school district must take specific actions below to promptly and effectively prevent sex discrimination and ensure equal access to the school district's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator

must coordinate these actions.

a. Responsibility to provide information about school district obligations.

The school district must inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of the school district's obligations under 34 Code of Federal Regulations, section 106.31, paragraphs (b)(1) through (5) and section 106.44(j) and provide the school district's notice of nondiscrimination under section 106.8(c)(1)

b. Reasonable modifications

i. The school district must make reasonable modifications to the school district's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the school district's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, the school district must consult with the student. A modification that a school district can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

ii. The student has discretion to accept or decline each reasonable modification offered by the school district. If a student accepts the school district's offered reasonable modification, the school district must implement it.

iii. Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

c. Voluntary access to separate and comparable portion of program or activity

The school district must allow the student to voluntarily access any separate and comparable portion of the school district's education program or activity under Paragraph A. above.

d. Voluntary leaves of absence

The school district must allow the student to voluntarily take a leave of absence from the school district's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by the school district that allows a greater period of time than the medically

necessary period, the school district must permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to the school district's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

e. Lactation space

The school district must ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

f. Limitation on supporting documentation

The school district must not require supporting documentation under Paragraph B.3, subparagraphs b. through e. unless the documentation is necessary and reasonable for the school district to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action under Paragraph C. subparagraphs 3 through 5 is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the school district with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action under Paragraph C. subparagraphs 3 through 5 is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

4. Comparable Treatment to Other Temporary Medical Conditions

To the extent consistent with Paragraph B.3 above, the school district must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the school district administers, operates, offers, or participates in with respect to students admitted to the school district's education program or activity.

5. Certification to Participate

The school district must not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the school district's class, program, or extracurricular activity unless:

- a. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- b. The school district requires such certification of all students participating in the class, program, or extracurricular activity; and
- c. The information obtained is not used as a basis for discrimination

prohibited by this part.

**V. REPORTING PROHIBITED CONDUCT**

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. The school district requires all employees who are not confidential employees to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations. This requirement does not apply to an employee who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX or its regulations.
- C. Confidential Employee Requirements
  - 1. The school district must notify all participants in the school district's education program or activity of how to contact its confidential employees, if any.
  - 2. The school district must require a confidential employee to explain to any person who informs the confidential employee of conduct that reasonably may constitute sex discrimination under Title IX or its regulations:
    - a. The employee's status as confidential for purposes of this part, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
    - b. How to contact the school district's Title IX Coordinator and how to make a complaint of sex discrimination; and
    - c. That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.
- D. Any employee of the school district who has experienced, has knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- E. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during nonbusiness hours, and may be made in person, by mail, by telephone, or by email using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- F. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the school district may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

**VI. SCHOOL DISTRICT'S RESPONSE TO SEXUAL HARASSMENT**

- A. General

Upon knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, the school district must respond promptly and effectively. The school district must also comply with 34 Code of Federal Regulations, section 106.44 to address sex discrimination in its education program or activity.

B. Barriers to Reporting

The school district must require its Title IX Coordinator to:

1. Monitor the school district's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations; and
2. Take steps reasonably calculated to address such barriers.

C. Title IX Coordinator Requirements

1. The Title IX Coordinator is responsible for coordinating the school district's compliance with its obligations under Title IX and its regulations. The school district must require its Title IX Coordinator, when notified of conduct that reasonably may constitute sex discrimination under Title IX or its regulations, to take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:
  - a. Treat the complainant and respondent equitably;
  - b. Offer and coordinate supportive measures, as appropriate, for the complainant. In addition, if the school district has initiated grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures, as appropriate, for the respondent;
  - c. Notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures and if applicable and the informal resolution process, if available and appropriate. If a complaint is made, notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate;
  - d. In response to a complaint, initiate the grievance procedures or the informal resolution process, if available and appropriate and requested by all parties;
  - e. In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures.
    - i. To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:
      - [a] The complainant's request not to proceed with initiation of a complaint;
      - [b] The complainant's reasonable safety concerns regarding initiation of a complaint;

- [c] The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- [d] The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- [e] The age and relationship of the parties, including whether the respondent is an employee of the school district;
- [f] The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- [g] The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- [h] Whether the school district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

ii. If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the school district from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint

- f. If initiating a complaint under Subparagraph e. above, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures; and
- g. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the school district's education program or activity.

2. The Title IX Coordinator is not required to comply with Paragraph C.1, subparagraphs a. through g. above upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX or its regulations.

D. Supportive Measures

Under the *Title IX Coordinator Requirements* above, the school district must offer and coordinate supportive measures, as appropriate, as described below. For allegations of sex discrimination other than sex-based harassment or retaliation, the school district's provision of supportive measures does not require the school district, its employee, or any other person authorized to provide aid, benefit, or service on the school district's behalf to alter the alleged discriminatory conduct for the purpose of

providing a supportive measure.

1. Supportive measures may vary depending on what the school district deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.
2. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment, or to provide support during the school district's grievance procedures, or during the informal resolution process. The school district must not impose such measures for punitive or disciplinary reasons.
3. The school district may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or the school district may continue them beyond that point.
4. The school district must provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the school district's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures. The school district must also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.
5. The school district must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when an exception in 34 Code of Federal Regulations section 106.44(j)(1) through (5) applies.
6. The school district must require the Title IX Coordinator to consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under 34 Code of Federal Regulations, section 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 in the implementation of supportive measures.

E. Students with Disabilities

If a complainant or respondent is an elementary or secondary student with a disability, the school district must require the Title IX Coordinator to consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under 34 Code of Federal Regulations, section 104.35(c), if any, to determine how to comply with the

requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973 throughout the school district's implementation of grievance procedures under 34 Code of Federal Regulations, section 106.45.

F. Emergency Removal

Nothing in Title IX or its regulations precludes the school district from removing a respondent from the school district's education program or activity on an emergency basis, provided that the school district undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

G. Administrative Leave

Nothing in Title IX or its regulations precludes the school district from placing an employee respondent on administrative leave from employment responsibilities during the pendency of the school district's grievance procedures. This provision must not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990.

H. Prohibited Disclosures of Personally Identifiable Information

The school district must not disclose personally identifiable information obtained in the course of complying with this part, except in the following circumstances:

1. When the school district has obtained prior written consent from a person with the legal right to consent to the disclosure;
2. When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
3. To carry out the purposes of 34 Code of Federal Regulations, section 106, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the school district's education program or activity;
4. As required by federal law, federal regulations, or the terms and conditions of a Federal award, including a grant award or
5. To the extent such disclosures are not otherwise in conflict with Title IX or its regulations, when required by Minnesota or local law or when permitted under FERPA or its implementing regulations.

**VII. GRIEVANCE PROCEDURES FOR THE PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS OF SEX DISCRIMINATION**

A. General

The school district's grievance procedures for the prompt and equitable resolution of complaints of sex discrimination must be in writing and include provisions that incorporate the requirements of this section. The requirements related to a respondent apply only to sex discrimination complaints alleging that a person violated

the school district's prohibition on sex discrimination. When a sex discrimination complaint alleges that a school district's policy or practice discriminates on the basis of sex, the school district is not considered a respondent.

B. Basic Requirements for Grievance Procedures

The school district's grievance procedures must:

1. Treat complainants and respondents equitably;
2. Require that any person designated as a Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or investigator;
3. Include a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the school district's grievance procedures for complaints of sex discrimination;
4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Major stages include, for example, evaluation (i.e., the school district's decision whether to dismiss or investigate a complaint of sex discrimination); investigation; determination; and appeal, if any;

~~**[NOTE: The Title IX regulations require reasonably prompt timeframes for major stages of the grievance procedures, but do not specify any particular timeframes. School districts may establish their own district-specific timeframes. A sample set of provisions is offered below.]**~~

- a. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
- b. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.
- c. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the school district.
- d. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the school district.
- e. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening

school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

- f. The school district may grant ~~has established the following process for~~ reasonable extension of timeframes on a case-by-case basis for good cause as set forth above. The process includes notice to the parties and the reason for the delay\*.

~~**[NOTE: The school district should set forth its process for determining a reasonable extension of a timeframe.]**~~

- 5. Require the school district to take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the school district's grievance procedures, provided that the steps do not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses, subject to the prohibition against retaliation; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures;
- 6. Require an objective evaluation of all evidence that is relevant, as defined in Article II, and not otherwise impermissible—including both inculpatory and exculpatory evidence—and provide that credibility determinations must not be based on a person's status as a complainant, respondent, or witness;
- 7. Exclude the following types of evidence, and questions seeking that evidence, as impermissible (i.e., must not be accessed or considered, except by the school district to determine whether an exception in subparagraphs (a) through (c) applies; must not be disclosed; and must not otherwise be used), regardless of whether they are relevant:
  - a. Evidence that is protected under a privilege as recognized by federal or Minnesota law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the school district obtains that party's or witness's voluntary, written consent for use in the school district's grievance procedures; and
  - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred; and
- 8. If the school district adopts grievance procedures that apply to the resolution of some, but not all, complaints articulate consistent principles for how the school district will determine which procedures apply.

C. Notice of Allegations

Upon initiation of the school district's grievance procedures, the school district must provide notice of the allegations to the parties whose identities are known.

1. The notice must include:
  - a. The school district's grievance procedures, and if applicable, any informal resolution process;
  - b. Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination under Title IX or this part, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the school district;
  - c. A statement that retaliation is prohibited; and
  - d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the school district provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.
2. If, in the course of an investigation, the school district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice or that are included in a complaint that is consolidated, the school district must provide notice of the additional allegations to the parties whose identities are known.

**[NOTE: If the school district provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]**

If, in the course of an investigation, the school district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the school district will notify the parties of the additional allegations.

D. Consolidation

The school district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

E. Complaint Investigation

- A. The school district must provide for adequate, reliable, and impartial investigation of complaints. To do so, the school district must:
  1. Ensure that the burden is on the school district – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred;

2. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
3. Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance, consistent with § 106.2 and with paragraph (b)(7) of this section; and
4. Provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:
  - a. The school district must provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the school district provides a description of the evidence, it must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
  - b. The school district must provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and
  - c. The school district must take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

F. Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility

The school district must provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

G. Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the school district must:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred, unless the school district uses the clear and convincing evidence standard of proof in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the school district may elect to use that standard of proof in determining whether sex discrimination occurred. Both standards of proof require the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness; if the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that sex discrimination occurred.

2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or its regulations including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
3. If there is a determination that sex discrimination occurred, as appropriate, require the Title IX Coordinator to coordinate the provision and implementation of remedies to a complainant and other persons the school district identifies as having had equal access to the school district's education program or activity limited or denied by sex discrimination, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and require the Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the school district's education program or activity. The school district may not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the school district's grievance procedures that the respondent engaged in prohibited sex discrimination;
4. Comply with 34 Code of Federal Regulations, section 106.45, before the imposition of any disciplinary sanctions against a respondent; and
5. Not discipline a party, witness, or others participating in school district's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the school district's determination whether sex discrimination occurred.

H. Additional Provisions

If the school district adopts additional provisions as part of its grievance procedures for handling complaints of sex discrimination, including sex-based harassment, such additional provisions must apply equally to the parties.

I. Informal Resolution

In lieu of resolving a complaint through the school district's grievance procedures, the parties may instead elect to participate in an informal resolution process under 34 Code of Federal Regulations, section 106.44(k) if provided by the school district consistent with that paragraph.

J. Provisions Limited to Sex-Based Harassment Complaints

For complaints alleging sex-based harassment, the grievance procedures must:

1. Describe the range of supportive measures available to complainants and respondents; and
2. List, or describe the range of, the possible disciplinary sanctions that the school district may impose and remedies that the school district may provide following a determination that sex-based harassment occurred.

**VIII. INFORMAL RESOLUTION OF A COMPLAINT**

**[NOTE: The 2024 Title IX amendments do not require a school district to offer an informal resolution process. However, a school district is free to provide such a process in some circumstances, as long as it complies with certain regulatory requirements. Requirements related to informal resolution are set forth in 34 Code of Federal Regulations, section 106.44(k).]**

- A. At any time prior to determining whether sex discrimination occurred, the school district may offer to a complainant and respondent an informal resolution process, unless the complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student or such a process would conflict with federal, Minnesota, or local law. A school district that provides the parties an informal resolution process must, to the extent necessary, also require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the school district's education program or activity.
1. Subject to the limitations in Paragraph A. above, the school district has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes.
  2. In addition to the limitations in Paragraph A. above, circumstances when the school district may decline to allow informal resolution include but are not limited to when the school district determines that the alleged conduct would present a future risk of harm to others.
- B. The school district must not require or pressure the parties to participate in an informal resolution process. The school district must obtain the parties' voluntary consent to the informal resolution process and must not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.
- C. Before initiation of an informal resolution process, the school district must provide to the parties notice that explains:
1. The allegations;
  2. The requirements of the informal resolution process;
  3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the school district's grievance procedures;
  4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
  5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
  6. What information the school district will maintain and whether and how the school district could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.
- D. The facilitator for the informal resolution process must not be the same person as the investigator or the decisionmaker in the school district's grievance procedures. Any person designated by the school district to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution must receive training as provided under this policy.

- E. Potential terms that may be included in an informal resolution agreement include but are not limited to:
  - 1. Restrictions on contact; and
  - 2. Restrictions on the respondent's participation in one or more of the school district's programs or activities or attendance at specific events, including restrictions the school district could have imposed as remedies or disciplinary sanctions had the school district determined at the conclusion of the school district's grievance procedures that sex discrimination occurred.

**IX. DISMISSAL OF A COMPLAINT**

- A. The school district may dismiss a complaint of sex discrimination made through its grievance procedures under this policy for any of the following reasons:
  - 1. The school district is unable to identify the respondent after taking reasonable steps to do so;
  - 2. The respondent is not participating in a school district education program or activity and is not employed by the school district;
  - 3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the school district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or,
  - 4. The school district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the school district will make reasonable efforts to clarify the allegations with the complainant.
- B. Upon dismissal, the school district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school district will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
- C. The school district must notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint on the bases set out in 34 Code of Federal Regulations, section 106.46(i)(1). If the dismissal occurs after the respondent has been notified of the allegations, then the school district will also notify the respondent that the dismissal may be appealed on the bases set out in 34 Code of Federal Regulations, section 106.46(i)(1). If the dismissal is appealed, the school district must:
  - 1. Notify the parties of any appeal, including notice of the allegations consistent with paragraph (c) of this section if notice was not previously provided to the respondent;
  - 2. Implement appeal procedures equally for the parties;
  - 3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
  - 4. Ensure that the decisionmaker for the appeal has been trained as set out in this policy;

5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
  6. Notify the parties of the result of the appeal and the rationale for the result.
- D. When the school district dismisses a complaint, it must, at a minimum:
1. Offer supportive measures to the complainant as appropriate;
  2. For dismissals under Paragraph A. 3 and 4 above in which the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate under 34 Code of Federal Regulations, section 106.44(g); and
  3. Require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the school district's education program or activity.
- E. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

**[NOTE: For example, school districts are reminded of the obligation under Minnesota Statutes, section 122A.20, subdivision 2, to make a mandatory report to the Minnesota Professional Educator Licensing and Standards Board concerning any teacher who resigns during the course of an investigation of misconduct.]**

## **XI. APPEAL OF DETERMINATION**

**[NOTE: Regarding an appeal of a determination, the 2024 Title IX Final Rule states that the school district must offer the parties an appeal process that, at a minimum, is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints.]**

~~**This section provides sample text a school district may elect to include in its grievance procedures, but school districts are not required to use the text provided.]**~~

- A. The school district offers the following process for appeals from a determination whether sex discrimination occurred. This appeal process will be, at a minimum, the same as the school district offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the appellate decisionmaker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the appellate decisionmaker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the appellate decisionmaker is final. No further review beyond the appeal is permitted.

## **XII. SANCTIONS AND REMEDIES**

Following a determination that sex-based harassment occurred, the school district may impose disciplinary sanctions and , which may include ~~[INSERT LIST OR DESCRIBE RANGE]~~. The school district may also provide remedies, which may include ~~[INSERT LIST OR DESCRIBE RANGE]~~.

~~{NOTE: The school district may choose to consult its legal counsel for district-specific sanctions and remedies. The following sample language may be considered:}~~

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
2. If the decisionmaker determines a respondent is responsible for violating this policy, the decisionmaker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with ~~MSBA Model Policy 506 – Student Discipline~~. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.}]

### **XIII. RETALIATION**

The school district must prohibit retaliation, including peer retaliation, in its education program or activity. When the school district has information about conduct that reasonably may constitute retaliation under Title IX or its regulations, the school district is obliged to comply with 34 Code of Federal Regulations, section 106.44. Upon receiving a complaint alleging retaliation, the school district must initiate its grievance procedures or, as appropriate, an informal resolution process.

### **XIV. TRAINING**

**[NOTE: Training requirements are set forth in 34 Code of Federal Regulations, section 106.8(d).]**

- A. The school district must ensure that the following persons receive training related to their duties under Title IX promptly upon hiring or change of positions that alters their duties under Title IX or its regulations, and annually thereafter. This training must not rely upon sex stereotypes.
  1. *All employees* must be trained on:
    - a. The school district's obligation to address sex discrimination in its education program or activity;
    - b. The scope of conduct that constitutes sex discrimination under Title

IX and its regulations, including the definition of sex-based harassment; and

- c. All applicable notification and information requirements under 34 Code of Federal Regulations, sections 106.40(b)(2) and 106.44.
2. *Investigators, decisionmakers, and other persons who are responsible for implementing the school district's grievance procedures or have the authority to modify or terminate supportive measures.*

In addition to the training requirements for all employees described in Paragraphs 1 and 2 above, all investigators, decisionmakers, and other persons who are responsible for implementing the school district's grievance procedures or have the authority to modify or terminate supportive measures under 34 Code of Federal Regulations, section 106.44(g)(4) must be trained on the following topics to the extent related to their responsibilities:

- a. The school district's obligations under 34 Code of Federal Regulations, section 106.44;
  - b. The school district's grievance procedures under 34 Code of Federal Regulations, section 106.45, and if applicable section 106.46;
  - c. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
  - d. The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under 34 Code of Federal Regulations, section 106.45, and if applicable section 106.46.
3. *Facilitators of informal resolution process*

In addition to the training requirements for all employees described in Paragraph 1 above, all facilitators of an informal resolution process under 34 Code of Federal Regulations, section 106.44(k) must be trained on the rules and practices associated with the school district's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

4. *Title IX Coordinator and Title IX Personnel*

In addition to the training requirements in Paragraphs 1 through 3 above, the Title IX Coordinator and Title IX Personnel must be trained on their specific responsibilities under 34 Code of Federal Regulations, section 106.8(a), section 106.40(b)(3), section 106.44(f) and (g), the school district's recordkeeping system and the requirements of 34 Code of Federal Regulations, section 106.8 (f), and any other training necessary to coordinate the school district's compliance with Title IX. "Title IX Personnel" means any person who addresses, works on, or assists with the school district's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions.

## **XV. DISSEMINATION OF POLICY**

- A. This policy shall be made available to all students, parents/guardians of students, school district employees, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator,

including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.

C. Notice of Nondiscrimination

1. The school district must provide notice of nondiscrimination to applicants for admission and employment, students, parents, guardians, or other authorized legal representatives of elementary and secondary school students, employees, and all unions holding collective bargaining agreements with the school district.

2. Contents of Notice of Nondiscrimination

The notice of nondiscrimination must include the following elements:

- a. A statement that the school district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment;
- b. A statement that inquiries about the application of Title IX and its regulations to the school district may be referred to the school district's Title IX Coordinator, the federal Office for Civil Rights, or both;
- c. The name or title, office address, email address, and telephone number of the Title IX Coordinator;
- d. How to locate the school district's nondiscrimination policy and the school district's grievance procedures; and
- e. How to report information about conduct that may constitute sex discrimination under Title IX; and how to make a complaint of sex discrimination under the regulations.

3. The school district must prominently include all elements of its notice of nondiscrimination on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to people entitled to notice, or which are otherwise used in connection with the recruitment of students or employees.

4. If necessary, due to the format or size of any publication, the school district may instead include in those publications the information covered in the following statement: "Saint Peter Public Schools: ISD No. 508 ~~[INSERT NAME OF SCHOOL DISTRICT]~~ prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at ~~https://www.stpeterschools.org/~~ ~~[INSERT WEBSITE ADDRESS]."~~

5. The school district must not use or distribute a publication stating that the school district treats applicants, students, or employees differently on the basis of sex, except as such treatment is permitted by Title IX or its regulations.

## XVI. RECORDKEEPING

The school district must create, and maintain for a period of seven years:

- A. For each complaint of sex discrimination, records documenting the informal resolution process under 34 Code of Federal Regulations, section 106.44(k) or the grievance procedures under section 106.45, and if applicable section 106.46, and the resulting outcome.
- B. For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations, including notifications under 34 Code of Federal Regulations, section 106.44(c)(1) or (2), records documenting the actions the school district took to meet its obligations under section 106.44
- C. All materials used to provide training under this policy. The school district must make these training materials available upon request for inspection by members of the public.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
 Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)  
 34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
 20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)  
 29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)  
 42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)  
 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
 20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act"))

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
 MSBA/MASA Model Policy 413 (Harassment and Violence)  
 MSBA/MASA Model Policy 506 (Student Discipline)  
 MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)



## ADDENDUM

### REGULAR BOARD MEETING Monday, November 18, 2024 SPCC-Governor's Room 6:30PM

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#### VII. ACTION ITEMS

<b>5. AGENDA ITEM #5</b>
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**Subject:** Consider Policies with Legislative Requirements for Approval with One Reading

**Action:** Requires a Motion

**Background:** The following policy was reviewed by the Policy Committee and brought forward for a single reading. Policies being adopted due to statutory changes can be adopted in one reading.

#### [Policy 507 - Corporal Punishment and Prone Restraint](#)

- Adds reasonable force language; corrects legal reference

#### II. GENERAL STATEMENT OF POLICY

No employee or agent of the school district shall cause corporal punishment or use prone restraint upon a student **except as provided below.**

#### III. DEFINITIONS

2. "Employee or agent of the district" does not include a school resource officer as defined in Minnesota Statutes, section 626.8482, subdivision 1, paragraph (c).

#### IV. PROHIBITIONS

2. An employee or agent of a school district, ~~including a school resource officer, security personnel, or police officer contracted with a district,~~ shall not use prone restraint.

3. An employee or agent of a district, ~~including a school resource officer, security personnel, or police officer contracted with a district,~~ shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or

impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.

4. Conduct that violates this Article is not a crime under Minnesota Statutes, section 645.241, but may be a crime under Minnesota Statutes, chapter 609 if the conduct violates a provision of Minnesota Statutes, chapter 609. Conduct that violates IV.1 above is not per se corporal punishment under the statute. Nothing in this Minnesota Statutes, section 121A.58 or 125A.0941 precludes the use of reasonable force under Minnesota Statutes, section 121A.582. **The use of reasonable force as set forth in Section V does not authorize conduct prohibited pursuant to Minnesota Statutes, section 125A.0942.**

#### **V. REASONABLE FORCE EXCEPTIONS**

**1. Reasonable force may be used upon or toward the person of another without the other's consent when the following circumstance exists or the actor reasonably believes it to exist:**

**a. when used by a teacher, school principal, school employee, school bus driver, or other agent of the school in the exercise of lawful authority, to restrain a child or pupil to prevent bodily harm or death to the child, pupil, or another.**

**2. Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists or the actor reasonably believes it to exist:**

**a. when used by a teacher, school principal, school employee, school bus driver, other agent of the district, or other member of the instructional, support, or supervisory staff of a public school upon or toward a child or pupil when necessary to restrain the child or pupil to prevent bodily harm or death to the child, pupil. Nothing in Minnesota Statutes, section 609.379 limits any other authorization to use reasonable force including but not limited to authorizations under Minnesota Statutes, section 121A.582, subdivision 1, and section 609.06, subdivision 1.**

**3. A teacher, ~~or~~ school principal, and other school staff may use reasonable force under the conditions set forth in Policy 506 (Student Discipline).**

**Presentation:** Superintendent of Schools, Jeff Olson  
Policy Committee

**Options/Recommendation:** I recommend your approval of Policy 507 in a single reading.



## ADDENDUM

### REGULAR BOARD MEETING Monday, November 18, 2024 SPCC-Governor's Room 6:30PM

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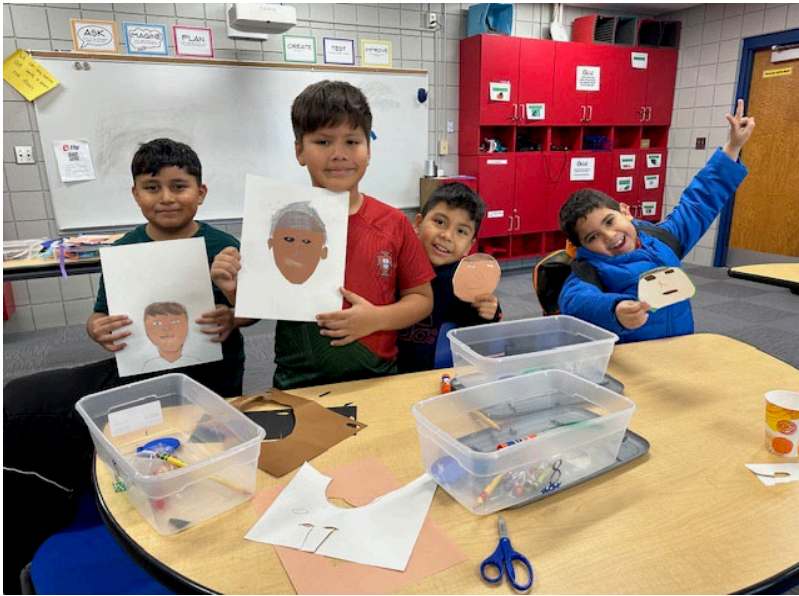
#### VIII. INFORMATION ITEMS

<b>1. AGENDA ITEM A</b>
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**Subject:** Community and Family Education Report and Update

**Background:** On an annual basis, Community Education Director, Tami Skinner, provides a report and update on the various components of the Community and Family Education Program of the school district. This report will be presented at your meeting.

**Presentation:** Community Education Director, Tami Skinner




**That's  
Community Ed!**  
Saint Peter Public Schools – ISD 508





*Community Education is uniquely designed to meet the needs of the community. Programs and services are driven by community needs and the interests of people of all ages. Studies show that adults who participate in Community Education programs have more connections to the schools, which leads to community support of the school district.*

# Community & Family Education helped strengthen the community and the schools by...


 *Providing safe, accessible learning environments and opportunities for all ages.* Our programs and services are held at South Elementary, North Elementary, Middle School, High School, and the Community Center.




 *Connecting families to school and community resources.* Families and parents access support through Early Childhood Family Education (ECFE) classes and our School Readiness Preschool programs. We also partner with the Public Library, Senior Center, Nicollet County Public Health, St. Peter Food Shelf, and the Recreation Department to provide free services and programs for families.

 *Helping prepare children for kindergarten.* Through early childhood screenings that support learning, health, and development, and through preschool classes at the Early Childhood Learning Center, we prepare children for a successful start in kindergarten. This work is a key way Community & Family Education helps the district meet one of Minnesota's World's Best Workforce goals.




 *Supporting working families.* The Saints Overtime programs provided parents with safe, high-quality after-school care options at South Elementary and North Elementary, along with summer care at North Elementary. During the 2023-24 school year, 172 children participated in these programs.




 *Expanding Learning Beyond the school day.*

Our after-school enrichment programs support students' social, emotional, and academic growth, helping to narrow the achievement gap for some participants. These programs offer students opportunities to explore interests and build skills beyond the standard curriculum. Enrolling in classes like art, drama, music, and STEM fosters critical thinking and problem-solving abilities that benefit students during the school day. Additionally, engaging in leadership and service activities strengthens students' skills and helps reduce risk-taking behaviors.




 *Building a qualified workforce.* Adult Basic Education (ABE) programs empower adults to gain essential skills and qualifications for employment, self-sufficiency, and active participation in the community. In addition to supporting adults in earning a high school diploma or GED, we offer English language classes and citizenship test preparation. The Bridge to Work Readiness: Job Skills program also helps adults build practical skills in resume writing, interviewing, workplace decision-making, and digital literacy. All ABE classes are free. Last year, we welcomed adults from countries including Mexico, Somalia, Guatemala, Honduras, Ukraine, Ethiopia, Pakistan, and Nicaragua, and in June, three adults proudly earned their high school diplomas.



 *Improving the quality of life.* Life-long learning offers numerous benefits, from stress relief and enhanced creativity to a sense of accomplishment and improved mental clarity. Whether it's taking an art class, learning to play an instrument, developing a new skill like scuba diving, picking up safe driving tips, or practicing yoga, our programs engage people in meaningful and enjoyable learning experiences.



 *Creating a sense of community and belonging.* Offering classes and events that bring people together helps foster a strong, connected community. Whether it's attending the annual *Women Celebrating Women* event, participating in cross-cultural learning, watching a documentary, sharing a meal, or engaging in discussions on important issues, we create opportunities for meaningful connections.

# Saint Peter Community & Family Education

*Engaging, Inspiring, and Growing!*



26  
Organization  
and business



15,180  
Participants served  
in the 2023/24  
school year.



6.5%  
Participant increase  
from the previous  
year.





## ADDENDUM

### REGULAR BOARD MEETING Monday, November 21, 2024 SPCC-Governor's Room 6:30PM

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#### VIII. INFORMATION ITEMS

##### **2. AGENDA ITEM #2**

**Subject:** Quarterly Fund Balance Tracker

**Background:** The "Quarterly Fund Balance Tracker" identifies major budget variations in terms of expenditures and revenues. Changes in these two categories are tracked July to September, October to December, January to March and April to June. These changes are shared monthly with the Business Committee and on a regular basis with the full School Board.

**Presentation:** Superintendent of Schools, Jeff Olson  
Business Manager, Megan Gracia

**FY25 Quarterly Fund Balance Tracker**  
**Adjustments Identified in Quarter 2 - October-December**

FY25 Beginning Unassigned General Fund Balance	5,092,272
FY25 Budgeted Unassigned General Fund Revenue	27,129,142
FY25 Budgeted Unassigned General Fund Expenses	27,145,354
FY25 Budgeted Unassigned General Fund Transfers	(176,923)
FY25 Budgeted Ending Unassigned General Fund Balance	<u><u>4,899,137</u></u>

**Unassigned General Fund Changes - Quarter 1**

FY25 Budget Adjustment Proposals - Spring 2024 - Actuals Realized	(97,662)
Adjustments due to Supt. Resignation/Interim Supt.	8,631
Shift in Employee Time - Code to Construction Fund	35,257
Changes due to Natural Attrition	162,121
Total Quarter 1 Adjustments	<u>108,347</u>

**Unassigned General Fund Changes - Quarter 2**

Transportation Costs - New Contract	41,742
10/21/24 Enrollment Adjustments - Increase of 67 Students	670,000
Q Comp Shift - Professional Development	7,950
Q Comp Shift - Interventionists	74,703
Nurses' Assistant - North - 2 Days/Week	(8,751)
PT Nurse - North - Increased Hours?	(13,021)
New Leaves Identified	43,553
Temporary District Office Assistant	(1,610)
ELA Curriculum Writing (School Year Catch-Up)	(7,640)
New Curriculum Study Plan	(1,000)
Total Quarter 2 Adjustments	<u>805,925</u>

**Adjusted FY25 Anticipated Ending Unassigned General Fund Balance** 5,813,408



## ADDENDUM

### REGULAR BOARD MEETING Monday, November 18, 2024 SPCC-Governor's Room 6:30PM

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#### VIII. INFORMATION ITEMS

##### ***3. AGENDA ITEM #3***

**Subject:** Review of Policy Manual Revisions – First Reading

**Background:** The following policies were reviewed by the Policy Committee and brought forward for a first reading:

- Policy 416 - Drug, Alcohol and Cannabis Testing
  - Adds “Oral Fluid Testing”
  - Adds numerous changes to match MSBA Model Policy language.
  - Due to the need for significant changes to our policy, it is being recommended that we adopt a new policy that reflects MSBA Model Policy 416 language. The new policy, in its entirety, has been uploaded to BoardBook for review.
  
- Policy 418 - Drug-Free Workplace / Drug-Free School
  - Adds protection for persons with the MN Patient Registry Program
  - Adds numerous changes to match MSBA Model Policy language.
  - Due to the need for significant changes to our policy, it is being recommended that we adopt a new policy that reflects MSBA Model Policy 418 language. The new policy, in its entirety, has been uploaded to BoardBook for review.

**Presentation:** Superintendent of Schools, Jeff Olson  
Policy Committee

## 416 ~~DRUG~~ **AND ALCOHOL AND CANNABIS TESTING**

~~[NOTE: Drug, alcohol, and cannabis testing of school bus drivers and driver applicants is mandatory under federal law. The mandatory testing is described under Part III. of the policy. Drug and alcohol testing of other employees or drug and alcohol testing of school bus drivers beyond that mandated by federal law is optional and can be done under state law only if a policy containing provisions, such as the provisions of Part IV. of this policy, is adopted. Cannabis testing of school employees and school bus drivers shall conform to federal and Minnesota law. To preserve the right to request or require school district employees who are not bus drivers and applicants to undergo cannabis testing or drug and/or alcohol testing or to require bus drivers to submit to testing that is not federally mandated, a school district should adopt Part IV. as part of its drug and alcohol testing policy.]~~

### I. **PURPOSE**

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

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

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

alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.

- E. Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.
- F. The school district may discipline, discharge, or take other adverse personnel action against an employee for cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment, sale, or transfer while an employee is working, on school district premises, or operating a school district vehicle, machinery, or equipment as follows:
  - 1. if, as the result of consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product, the employee does not possess that clearness of intellect and control of self that the employee otherwise would have;
  - 2. if cannabis testing verifies the presence of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory test;
  - 3. as provided in the school district's written work rules for cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis testing, provided that the rules are in writing and in a written policy that contains the minimum information required by Minnesota Statutes, section 181.952; or
  - 4. as otherwise authorized or required under state or federal law or regulations, or if a failure to do so would cause the school district to lose a monetary or licensing-related benefit under federal law or regulations.

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

#### **A. General Statement of Policy**

All persons subject to commercial driver's license requirements shall be tested for alcohol, ~~cannabis~~marijuana (including medical cannabis), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to federal law. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.

#### **B. Definitions**

- 1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.
- 2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
- 3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.

4. "Commercial Motor Vehicle" (CMV) includes a vehicle which is designed to transport 16 or more passengers, including the driver.
5. "Designated Employer Representative" (DER) means a designated school district representative authorized to take immediate action to remove employees from safety-sensitive duties, to make required decisions in the testing and evaluation process, and to receive test results and other communications for the school district.
6. "Department of Transportation" (DOT) means United States Department of Transportation.
7. "Direct Observation" means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.
8. "Driver" is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers, and independent owner-operator contractors.
89. "Evidential Breath Testing Device" (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
10. "Licensed Medical Practitioner" means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
911. "Medical Review Officer" (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district's drug testing program and for evaluating medical explanations for certain drug tests.
102. "Refusal to Submit" (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver's provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and a determination has been made that no adequate medical explanation for the failure exists; (f) fails or declines to take an additional test as directed; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a

pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.

113. "Safety-sensitive functions" are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.
124. "Screening Test Technician" (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
135. "Stand Down" means to temporarily remove an employee from performing safety-sensitive functions after a laboratory reports a confirmed positive, an adulterated, or a substituted test result but before the MRO completes the verification process.
146. "Substance Abuse Professional" (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

[NOTE: Federal regulations require that school districts provide materials to bus drivers explaining the school district's policies and procedures and the federal requirements with respect to the mandatory drug and alcohol testing of bus drivers. 49 Code of Federal Regulations, section 382.601. Most of the required information is contained within this model policy. Additional materials to be provided to employees are described in Paragraph 2. of Section C.]

1. The school district shall provide a copy of this policy and procedures to each driver prior to the start of its alcohol and drug testing program and to each driver subsequently hired or transferred into a position requiring driving of a CMV.
2. The school district shall provide to each driver information required under Title 49 of the Code of Federal Regulations, including information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance drug-problem (the driver's or a coworker's); and available methods of intervening when an alcohol or controlled substance drug-problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.
3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.
4. The school district shall require each driver to sign a statement certifying that he or she has received a copy of the policy and materials. This statement should be in the form of Attachment A to this policy. The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.

[NOTE: The federal regulations require a school district to obtain a signed statement from each driver certifying that he or she received a copy of these materials. 49 Code

of Federal Regulations, section 382.601(d). The original signed certificate must be maintained by the school district and a copy may be provided to the driver.]

D. Alcohol and Controlled Substances Testing Program Manager

[NOTE: School districts are required by federal regulations to designate a person to answer driver questions about the policy and the education materials described in Section C. above and to notify the drivers of the designation. 49 Code of Federal Regulations, section 382.601(b)(1).]

1. The program manager will coordinate the implementation, direction, and administration of the alcohol and controlled substances testing policy for bus drivers. The program manager is the principal contact for the collection site, the testing laboratory, the MRO, the BAT, the SAP, and the person submitting to the test. Employee questions concerning this policy shall be directed to the program manager.
2. The school district shall designate a program manager and provide written notice of the designation to each driver along with this policy.

E. Specific Prohibitions for Drivers

[NOTE: The specific prohibitions for drivers are contained, in large part, in 49 Code of Federal Regulations, sections 382.201-382.215.]

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be subject to evaluation by a professional and retesting at the driver's expense.
2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed medical practitioner who is familiar with the driver's medical history ~~physician who~~ and has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. Controlled substance includes medical cannabis, regardless of whether the driver is enrolled in the state registry program.

8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances, including medical cannabis, or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district which prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

[NOTE: Consequences for drivers engaging in alcohol-related conduct are described in the federal regulations. 49 Code of Federal Regulations, section 382.505.]

No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and policy of the school district.

G. Prescription Drugs/Cannabinoid Products

A driver shall inform his or her supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV. Use of medical cannabis is prohibited notwithstanding the driver's enrollment in the patient registry. Use of nonintoxicating cannabinoids or edible cannabinoid products is not a legitimate medical explanation for a confirmed positive test result for cannabis. MROs will verify a drug test confirmed as positive, even if a driver claims to have only used nonintoxicating cannabinoids or edible cannabinoid product.

H. Testing Requirements

[NOTE: School districts must utilize the U.S. DOT Drug & Alcohol Clearinghouse ("Clearinghouse") to conduct pre-employment queries, annual queries, and reports regarding CDL holders who operate CMVs on public roads (including school bus drivers) and who are covered by the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Testing Program. In addition to utilizing the Clearinghouse, school districts must continue to comply with the alcohol and controlled substance testing required under Title 49 of the Federal Regulations.]

1. Pre-Employment Testing

[NOTE: 49 Code of Federal Regulations, section 382.301 details the requirements for pre-employment testing.]

- a. A driver applicant shall undergo testing for [alcohol and] controlled substances, including medical cannabis, before the first time the driver performs safety-sensitive functions for the school district.

[NOTE: A school district is permitted, but not required, to conduct pre-employment testing for the use of alcohol. If a school district elects to require pre-employment testing for alcohol, it should include the bracketed text in Subparagraph a., above, and test all applicants uniformly.]

- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. In order to be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, including medical cannabis, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.

[NOTE: Federal regulations require school districts to inquire about, obtain, and review alcohol and controlled substances information from prior employers pursuant to a driver's written authorization, prior to the time a driver performs safety-sensitive functions, if feasible. 49 Code of Federal Regulations, section 382.413, and 49 Code of Federal Regulations, section 40.25. If not feasible, school districts must not permit the employee to perform safety-sensitive functions for more than thirty (30) days from the date a safety-sensitive function was performed unless the school districts make good faith efforts to obtain the information and to make a record of those efforts to be retained in the driver's qualification file.]

- d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.
- e. Before employing a driver subject to controlled substances and alcohol testing, the school district must conduct a full pre-employment query of the federal Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse ("Clearinghouse") to obtain information about whether the driver (1) has a verified positive, adulterated, or substituted controlled substances test result; (2) has an alcohol confirmation test with a concentration of 0.04 or higher; (3) has refused to submit to a test in violation of federal law; or (4) that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, or following an accident in violation of federal law or used a controlled substance in violation of federal law. The applicant must give specific written or electronic consent for the school district to conduct the Clearinghouse full query (see Attachment C to this policy). The school district shall retain the consent for three (3) years from the date of the query.

## 2. Post-Accident Testing

[NOTE: 49 Code of Federal Regulations, section 382.303, governs post-accident testing of drivers.]

- a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances, including medical cannabis, if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.

- b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.
- c. Drivers should be tested for controlled substances, including medical cannabis, no later than thirty-two (32) hours after the accident.
- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.
- e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.
- f. If a post-accident alcohol test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.
- g. The school district shall report drug and alcohol program violations to the Clearinghouse as required under federal law.

3. Random Testing

[NOTE: 49 Code of Federal Regulations, section 382.305 governs random testing of drivers.]

- a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.

[NOTE: The Federal Highway Administration (FHWA) set the random alcohol selection and testing rate at 10% of the average number of driver positions and evaluates this minimum percentage each year. School districts can elect to stay at the 1998 level of 25% (or a higher percentage) if they do not want to monitor the minimum annual percentage rate set by the FHWA. The random controlled substances selection and testing rate has remained at 50% each year and has not been lowered to 25% as is possible under the regulations.]

- b. The school district shall test for alcohol at a minimum annual percentage rate of 10% of the average number of driver positions, and for controlled substances, including medical cannabis, at a minimum annual percentage of 50%.
- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made.
- d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.
- e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and

proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

[NOTE: 49 Code of Federal Regulations, section 382.307 governs reasonable suspicion testing of drivers.]

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances, including medical cannabis, test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances, including medical cannabis, on duty or within four (4) hours before coming on duty. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.
- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

[NOTE: 49 Code of Federal Regulations, sections 382.309, 40.23(d), and 40.305 govern return-to-duty testing.]

5. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances. The school district is not required to return a driver to safety-sensitive duties because the driver has met these conditions; this is a personnel decision subject to collective bargaining agreements or other legal requirements.  
[NOTE: 49 Code of Federal Regulations, sections 382.311, 40.307, and 40.309 govern follow-up testing.]

6. Follow-Up Testing. When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.

7. Refusal to Submit and Attendant Consequences

[NOTE: Consequences for refusals to submit to required drug and alcohol tests are addressed generally in 49 Code of Federal Regulations, sections 40.191, 40.261, and 382.211. They are more specifically addressed in 49 Code of Federal Regulations, sections 382.501-382.507 and in 49 United States Code, section 521(b).]

- a. A driver or driver applicant may refuse to submit to drug and alcohol testing.
- b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 U.S.C. § 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.
- c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.
- d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.
- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment C to this policy.

I. Testing Procedures

[NOTE: The Federal Drug Testing Custody and Control Form (CCF) must be used to document every urine collection required by the DOT drug testing program. 49 Code of Federal Regulations, section 40.45.]

1. Drug Testing

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.

- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.
- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that a legitimate explanation for the donor's failure to contact him/her within seventy-two (72) hours exists, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether an acceptable medical reason for the positive result exists. The MRO shall confirm and report a positive test result to the DER and the employee when no legitimate medical reason for a positive test result as received from the testing laboratory exists.
- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
  - (1) The donor expressly declines the opportunity to discuss the test results;
  - (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
  - (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

2. Alcohol Testing

[NOTE: The DOT Alcohol Testing Form (ATF) must be used for every DOT alcohol test. 49 Code of Federal Regulations, section 40.225.]

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs

and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.

- b. Any test result less than 0.02 alcohol concentration is considered a "negative" test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor's inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.
- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

- 1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver's or driver applicant's expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.

[NOTE: The limitation on discharge in Paragraph 2., below, is contained solely in Minnesota law. State law is preempted by federal laws and regulations as it relates to drivers of commercial motor vehicles (such as bus drivers). See Minnesota Statutes section 221.031, subdivision 10. Nevertheless, school districts may decide to comply with the state law requirements for various reasons (such as to treat all school district employees equally since employees subject to testing only under state law are accorded these additional rights). Consultation with the school district's legal counsel is recommended.]

- 2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and
  - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
  - c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing laboratory for controlled substances will be ~~[name, address, telephone number]~~, which is a laboratory certified by the Department of Health and Human

Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and alcohol testing program are considered confidential information under federal law and private data on individuals as that phrase is defined in Minn. Stat. Ch. 13. Any information concerning the individual’s test results and records shall not be released without written permission of the individual, except as provided for by regulation or law.

M. Recordkeeping Requirements and Retention of Records

1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.

[NOTE: The federal recordkeeping requirements for school districts are detailed in the federal regulations, 49 Code of Federal Regulations, sections 382.401 et seq. and 40.331. The DOT publishes a guide to the recordkeeping requirements of mandatory drug and alcohol testing for persons with a commercial driver’s license as part of its Alcohol & Drugs: DOT Compliance Manual.]

2. The required records shall be retained for the following minimum periods:

Basic records	5 years
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“Basic records” includes records of: (a) alcohol test results with concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary.

Information obtained from previous employers	3 years
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Alcohol and controlled substance collection procedures

Collection records	2 years
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Negative and cancelled <u>controlled substance</u> -drug tests with less than 0.02 concentration	1 year
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Education and training records	indefinite
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“Education and training records” must be maintained while the individuals perform the functions which require training and for the two (2) years after ceasing to perform those functions.

3. Personal Information

Personal information about all individuals who undergo any required testing under this policy will be shared with the U.S. DOT Drug & Alcohol Clearinghouse (“Clearinghouse”) as required under federal law, including:

a. The name of the person tested;

b. Any verified positive, adulterated, or substituted drug test result;

c. Any alcohol confirmation test with a BAC concentration of 0.04 or higher;

d. Any refusal to submit to any test required hereunder;

- e. Any report by a supervisor of actual knowledge of use as follows
  - i. Any on-duty alcohol use;
  - ii. Any pre-duty alcohol use;
  - iii. Any alcohol use following an accident; and
  - iv. Any controlled substance use.
- f. Any report from a substance abuse professional certifying successful completion of the return-to-work process;
- g. Any negative return-to-duty test; and
- h. Any employer's report of completion of follow-up testing.

N. Training

The school district shall ensure all persons designated to supervise drivers receive training. The designated employees shall receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training shall include physical, behavioral, speech, and performance indicators of probable misuse of alcohol and use of controlled substances. The training will be used by the supervisors to make determinations of reasonable suspicion.

O. Consequences of Prohibited Conduct and Enforcement

1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.

2. Referral, Evaluation, and Treatment

- a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily available to the driver or applicant and acceptable to the school district.

[NOTE: Subparagraphs b. and c., below, are based on the provisions of 49 Code of Federal Regulations, section 40.289.]

- b. If the school district offers a driver an opportunity to return to a DOT safety-sensitive duty following a violation, the driver must be evaluated by an SAP and the driver is required to successfully comply with the SAP's evaluation recommendations (education, treatment, follow-up evaluation(s), and/or ongoing services). The school district is not required to provide an SAP evaluation or any subsequent recommended education or treatment.

[NOTE: School districts are not required to comply with state law governing drug and alcohol testing when the individuals are subject to the federal laws and regulations (i.e., bus drivers). If a school district, after consultation with legal counsel, chooses to comply voluntarily with these requirements, Subparagraph b., above, can be modified as follows:

- b. The school district will offer a driver an opportunity to return to a DOT safety-sensitive duty following an employee's first positive test result on a confirmatory test if no reasons independent of the first test result for discharge exist.

Otherwise, the school district may choose, but is not required, to provide an SAP evaluation or any subsequent recommended education or treatment.]

- c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
- d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

3. Disciplinary Action

- a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

The school district may request or require that drivers submit to drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of "other employees" covered by Section IV. of this policy.

[NOTE: When the testing of drivers complies with federal testing requirements and procedures, school districts clearly are exempt from the state drug and alcohol testing requirements in Minnesota Statutes, sections 181.950-181.957. See Minnesota Statutes, section 221.031, subdivision 10. When testing beyond the federally mandated requirements, however, school districts still must comply with state law.]

Q. Report to Clearinghouse

The school district shall promptly submit to the Clearinghouse any record generated of an individual who refuses to take an alcohol or controlled substance test required under Title 49, Code of Federal Regulations, tests positive for alcohol or a controlled substance in violation of federal regulations, or violates subpart B of Part 382 of Title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

R. Annual Clearinghouse Query

- 1. The school district must conduct a query of the Clearinghouse record at least once per year for information for all employees subject to controlled substance and alcohol testing related to CMV operation to determine whether information exists in the Clearinghouse about those employees. In lieu of a full query, the school district may obtain the individual driver's consent to conduct a limited

query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the driver in the Clearinghouse but will not release that information to the employer. If the limited query shows that information exists in the Clearinghouse about the driver, the school district must conduct a full query within twenty-four (24) hours or must not allow the driver to continue to perform any safety-sensitive function until the employee conducts the full query and the results confirm the driver's Clearinghouse record contains no prohibitions showing the driver has a verified positive, adulterated or substitute controlled substance test, no alcohol confirmation test with a concentration of 0.04 or higher, refuses to submit to a test, or was reported to have used alcohol on duty, before duty, following an accident or otherwise used a controlled substance in violation of the regulations except where the driver completed the SAP evaluation, referral and education/treatment process as required by the regulations. The school district shall comply with the query requirements set forth in 49 Code of Federal Regulations 382.701.

2. The school district may not access an individual's Clearinghouse record unless the school district (1) obtains the individual's prior written or electronic consent for access to the record; and (2) submits proof of the individual's consent to the Clearinghouse. The school district must retain the consent for three (3) years from the date of the last query. The school district shall retain for three (3) years a record of each request for records from the Clearinghouse and the information received pursuant to the request.
3. The school district shall protect the individual's privacy and confidentiality of each Clearinghouse record it receives. The school district shall ensure that information contained in a Clearinghouse record is not divulged to a person or entity not directly involved in assessing and evaluating whether a prohibition applies with respect to the individual to operate a CMV for the school district.
4. The school district may use an individual's Clearinghouse record only to assess and evaluate whether a prohibition applies with respect to the individual to operate a CMV for the school district.

#### **IV. CANNABIS TESTING OR DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES**

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

##### A. Definitions

1. "Cannabis testing" means the analysis of a body component sample according to the standards established under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis flower, as defined in Minnesota Statutes, section 342.01, subdivision 16, cannabis products, as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, hemp-derived consumer products as defined in section 342.01, subdivision 37, or cannabis metabolites in the sample tested. The definitions in this section apply to cannabis testing unless stated otherwise.
2. "Confirmatory test" and "confirmatory retest" mean a drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.

3. "Drug" means a controlled substance as defined in Minnesota Statutes, section 152.01, subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as defined in section 342.01, subdivision 16, cannabis products as defined in section 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50, and hemp-derived consumer products as defined in section 342.01, subdivision 37.
  4. "Drug and Alcohol Testing," "Drug or Alcohol Testing," and "Drug or Alcohol Test" mean analysis of a body component sample by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.
  5. "Employee" means a person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for an employer.
  6. "Initial screening test" means a drug or alcohol test or cannabis test which uses a method of analysis under one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.
  7. "Job Applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III).
  8. "Oral fluid test" means analysis of a saliva sample for the purpose of measuring the presence of the same substances as drug and alcohol testing and cannabis testing that:
    - a. can detect drugs, alcohol, cannabis, or their metabolites in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1; and
    - b. does not require the services of a testing laboratory under section 181.953, subdivision 1.
- [NOTE: The 2024 Minnesota legislature added oral fluid tests.]
9. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."
  10. "Positive Test Result" means a finding of the presence of drugs, alcohol, or their

metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes, section 181.953, subdivision 1.

11. “Random Selection Basis” means a mechanism for selection of employees that:
  - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
  - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
12. “Reasonable Suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
13. “Safety-Sensitive Position” means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person.

A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:

1. General Limitations

- a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver’s license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory which participates in one of the programs listed in Minn. Stat. § 181.953, Subd. 1.
- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver’s license to undergo drug and alcohol testing on an arbitrary and capricious basis.

2. Job Applicant Testing

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

3. Reasonable Suspicion Testing

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

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

- c. ~~has sustained a personal injury, as that term is defined in Minn. Stat. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or~~
- d. ~~has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.~~

4. ~~Treatment Program Testing~~

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

5. ~~Routine Physical Examination Testing~~

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

B. Circumstances Under Which Cannabis Testing or Drug or Alcohol Testing May Be Requested or Required; Exceptions

1. General Limitations

a. The school district may will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing or cannabis testing, unless the testing is done pursuant to this policy; and either (1) is conducted by a testing laboratory that meets one of the criteria listed in Minnesota Statutes, section 181.953, subdivision 1; or (2) complies with the oral fluid test procedures under section 181.953, subdivision 5a.

[NOTE: The 2024 Minnesota legislature amended this provision.]

b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing or cannabis testing on an arbitrary and capricious basis.

2. Cannabis Testing Exceptions

For the following positions, cannabis and its metabolites are considered a drug and subject to the drug and alcohol testing provisions in Minnesota Statutes, sections 181.950 to 181.957:

- a. a safety-sensitive position, as defined in Minnesota Statutes, section 181.950, subdivision 13;
- b. a position requiring face-to-face care, training, education, supervision, counseling, consultation, or medical assistance to children;

- c. a position requiring a commercial driver's license or requiring an employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing of a job applicant or an employee;
- d. a position of employment funded by a federal grant; or
- e. any other position for which state or federal law requires testing of a job applicant or an employee for cannabis.

### 3. Job Applicant Testing

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

- a. The school district must not request or require a job applicant to undergo cannabis testing solely for the purpose of determining the presence or absence of cannabis as a condition of employment unless otherwise required by state or federal law.
- b. Unless otherwise required by state or federal law, the school district must not refuse to hire a job applicant solely because the job applicant submits to a cannabis test or a drug and alcohol test authorized by Minnesota law and the results of the test indicate the presence of cannabis.
- c. The school district must not request or require an employee or job applicant to undergo cannabis testing on an arbitrary or capricious basis.
- d. Cannabis testing authorized under paragraph (d) must comply with the safeguards for testing employees provided in Minnesota Statutes, sections 181.953 and 181.954.

### 4. Oral fluid testing

- a. When drug and alcohol testing or cannabis testing is otherwise authorized under Minnesota Statutes, section 181.951, the school district may request an employee or job applicant to undergo oral fluid testing according to the procedures under Minnesota Statutes, section 181.953, subdivision 5a as an alternative to using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1.
- b. The employee must be informed of the test result at the time of the oral fluid test. Within 48 hours of an oral fluid test that indicates a positive test result or that is inconclusive or invalid, the employee or job applicant may request drug or alcohol testing or cannabis testing at no cost to the employee or job applicant using the services of a testing laboratory under Minnesota Statutes, section 181.953, subdivision 1, and according to the existing laboratory testing standards in subdivisions 1 to 5. The rights, notice, and limitations in Minnesota Statutes, section 181.953, subdivision 6, paragraph (b), and

subdivisions 7 to 8 and 10 to 11 apply to an employee or job applicant and a laboratory test conducted pursuant to this paragraph.

- c. If the laboratory test under paragraph (b) above indicates a positive result, any subsequent confirmatory retest, if requested by the employee or job applicant, must be conducted following the retest procedures provided in Minnesota Statutes, section 181.953, subdivision 6, paragraph (c), and subdivision 9 at the employee's or job applicant's own expense.
- d. Nothing in this subdivision is intended to modify the existing requirements for drug and alcohol testing or cannabis testing in the workplace under Minnesota Statutes, sections 181.950 to 18.957, unless stated otherwise.

[NOTE: The 2024 Minnesota legislature enacted this provision.]

5. Random Testing

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

6. Reasonable Suspicion Testing

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

- a. is under the influence of cannabis, drugs, or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minnesota Statutes, section 176.011, subdivision 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

7. Treatment Program Testing

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

8. Routine Physical Examination Testing

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

CB. No Legal Duty to Test

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

C. Definitions

1. ~~"Drug" means a controlled substance as defined in Minnesota Statutes, including medical cannabis, regardless of enrollment in the state registry program.~~
2. ~~"Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.~~
3. ~~"Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."~~
4. ~~"Job applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.).~~
5. ~~"Positive test result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. § 181.953, Subd. 1.~~
6. ~~"Reasonable suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.~~
7. ~~"Safety-sensitive position" means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.~~

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

### Consequences of Such Refusal

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

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

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

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

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

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

E. Reliability and Fairness Safeguards

1. Pretest Notice

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

2. Notice of Test Results

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

3. Notice of and Right to Test Result Report

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

4. Notice of and Right to Explain Positive Test Result

a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide the individual with notice of the test results and, at the same time, written notice of the right to explain the results and to submit additional information (see Attachment G to this policy).

b. The school district may request that the employee or job applicant

indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

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

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

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

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

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

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

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

## 5. Notice of and Right to Request Confirmatory Retests

a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide ~~the individual him or her~~ with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.

b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minnesota Statutes, section 181.953, subdivision 1 to conduct the confirmatory retest. The original testing laboratory shall

ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug, alcohol, or cannabis threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

~~b. — An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.~~

6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform ~~him or her~~ the individual of other rights provided under Sections F. or G., below, whichever is applicable.

Attachments EF and FG to this policy provide the Notices described in Paragraphs 2. through 6. of this Section E.

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

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.
2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.
3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
  - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
  - b. The employee has either refused to participate in the counseling or

rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.

4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information or the employee's status as a patient enrolled in the medical cannabis registry program revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire, or failing to do so would violate federal law or regulations or cause the school district to lose money or licensing-related benefit under federal law or regulations.
6. The school district may not discriminate against any employee in termination, discharge, or any term of condition of employment or otherwise penalize an employee based upon an employee registered patient's positive drug test for cannabis components or metabolites, unless the employee used, possessed, or was impaired by medical cannabis on school district property during the hours of employment.
7. An employee must be given access to information in his or her personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

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

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

H. Chain-of-Custody Procedures

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

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

the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

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

2. Confidentiality Limitations

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

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

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

4. Privilege

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

J. Notice of Testing Policy to Affected Employees

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

**V. POSTING**

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

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

Minn. Stat. Ch. 43A (State Personnel Management)  
[Minn. Stat. § 151.72 \(Sale of Certain Cannabinoid Products\)](#)  
[Minn. Stat. § 152.01 \(Definitions\)](#)  
Minn. Stat. § 152.22 (Definitions; Medical Cannabis)  
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)  
Minn. Stat. § 152.32 (Protections for Registry Program Participation)  
[Minn. Stat. § 176.011, subd. 16 \(Definitions; Personal Injury\)](#)  
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)  
Minn. Stat. § 221.031 (Motor Carrier Rules)  
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)  
[49 U.S.C. 31306a \(National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators\)](#)  
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)  
49 C.F.R. Parts 40 ~~and 382~~ (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)  
[49 C.F.R. Part 382 \(Controlled Substances and Alcohol Use and Testing\)](#)

**Cross-References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)

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

### **I. PURPOSE**

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

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

- A. Use or possession of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, or controlled substances, ~~or medical cannabis~~ in any school event location.
- C. An individual may not use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13, including all facilities, whether owned, rented, or leased, and all vehicles that the school district owns, leases, rents, contracts for, or controls.
- D. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

### **III. DEFINITIONS**

- A. "Alcohol" includes any alcoholic beverage containing more than one-half of one percent alcohol by volume. ~~"Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.~~
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code, section 812, including analogues and look-alike drugs.
- C. "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- D. "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation, ingestion, or by any other immediate means.
- E. "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or (4) combustion with use of dried raw cannabis; or (5) any other method

approved by the Commissioner of the Minnesota Department of Health ("Commissioner").~~, excluding smoking, approved by the commissioner.~~

- F. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.
- G. "School location" includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.
- H. "Sell" means to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.
- I. "Toxic substances" includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the Commissioner.~~"Toxic substances" includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.~~
- J. "Use" means to sell, buy, manufacture, distribute, dispense, be under the influence of, or consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate means. "Use" includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.

#### **IV. EXCEPTIONS**

- A. A violation of this policy does not occur when a person brings onto a school location, for such person's own use, a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minnesota Statutes, section 624.701, subdivision 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).  
~~A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).~~
- C. A violation of this policy does not occur when a person uses or possesses a toxic substance unless they do so with the intent of inducing or intentionally aiding another in inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.

D. The school district may not refuse to enroll or otherwise penalize a patient or person enrolled in the Minnesota Patient Registry Program as a pupil solely because the patient or person is enrolled in the registry program, unless failing to do so would violate federal law or regulations or cause the school to lose a monetary or licensing-related benefit under federal law or regulations.

[NOTE: The 2024 Minnesota legislature amended this law to add this protection.]

## V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, must comply with the school district's student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances, intoxicating cannabinoids, or edible cannabinoid products in a school location except with the express permission of the superintendent.
- F. No person is permitted to possess or use medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility.
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minnesota Statutes Section 624.701, subdivision 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

## VI. SCHOOL PROGRAMS

- A. Starting in the 2026-2027 school year, the school district must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, for students in middle school and high school. The program must include instruction on the topics listed in Minnesota Statutes, section 120B.215, subdivision 1 and must:
  - 1. respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl; and
  - 2. refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including

but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

B. School district efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10 and 120B.11.

C. Notwithstanding any law to the contrary, the school district shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. The district must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

## VII. ENFORCEMENT

### A. Students

1. Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and nonintoxicating cannabinoids, and edible cannabinoid products.

~~A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.~~

2. Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and violence and appropriate referral to direct individual or group counseling service, which may be provided by school based mental health services providers; and/or referral to law enforcement officials when appropriate.

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

3. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.

### B. Employees

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.

3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who

fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.

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

C. The Public

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

**Legal References:** [Minn. Stat. § 120B.215 \(Education on Cannabis Use and Substance Use\)](#)  
[Minn. Stat. § 121A.22 \(Administration of Drugs and Medicine\)](#)  
[Minn. Stat. § 121A.40-§ 121A.56 \(Pupil Fair Dismissal Act\)](#)  
[Minn. Stat. § 151.72 \(Sale of Certain Cannabinoid Products\)](#)  
[Minn. Stat. § 152.01, Subd. 15a \(Definitions\)](#)  
[Minn. Stat. § 152.0264 \(Cannabis Sale Crimes\)](#)  
[Minn. Stat. § 152.22, Subd. 6 \(Definitions; Medical Cannabis\)](#)  
[Minn. Stat. § 152.23 \(Limitations; Medical Cannabis\)](#)  
[Minn. Stat. § 169A.31 \(Alcohol-Related School Bus or Head Start Bus Driving\)](#)  
[Minn. Stat. § 340A.101 \(Definitions; Alcoholic Beverage\)](#)  
[Minn. Stat. § 340A.403 \(3.2 Percent Malt Liquor Licenses\)](#)  
[Minn. Stat. § 340A.404 \(Intoxicating Liquor; On-Sale Licenses\)](#)  
[Minn. Stat. § 342.09 \(Personal Adult Use of Cannabis\)](#)  
[Minn. Stat. § 342.56 \(Limitations\)](#)  
[Minn. Stat. § 609.684 \(Sale of Toxic Substances to Children; Abuse of Toxic Substances\)](#)  
[Minn. Stat. § 624.701 \(Alcohol in Certain Buildings or Grounds\)](#)  
[20 U.S.C. § 7101-71265 \(Student Support and Academic Enrichment Grants Safe and Drug-Free Schools and Communities Act\)](#)  
[21 U.S.C. § 812 \(Schedules of Controlled Substances\)](#)  
[41 U.S.C. §§ 8101-8106 \(Drug-Free Workplace Act\)](#)  
[21 C.F.R. §§ 1308.11-1308.15 \(Controlled Substances\)](#)  
[34 C.F.R. Part 84 \(Government-wide Requirements for Drug-Free Workplace\)](#)

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



## ADDENDUM

### REGULAR BOARD MEETING Monday, November 18, 2024 SPCC-Governor's Room 6:30PM

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#### VIII. INFORMATION ITEMS

##### **4. AGENDA ITEM #4**

**Subject:** Review of the development of a Saint Peter School Board Legislative Platform

**Background:** One of the ideas that has surfaced from one to one meetings that I have had with School Board Members is to develop our own Legislative Platform. This is something that we have done in the past and it helps us in clearly communicating our district's needs to our locally elected State Representatives and State Senator. The development of a Saint Peter School Board Legislative Platform might look something like this:

1. Establish an Ad Hoc Legislative Committee at the December 16, 2024 School Board Meeting. The action item for such a Committee would include the duties and purposes of the Committee.
2. The Committee would meet in early January to establish a "draft" 2025 Legislative Platform.
3. The Saint Peter Public Schools 2025 Legislative Platform would be brought forward for adoption at the January 23, 2025 School Board Meeting.
4. We would share the Legislative Platform with our local State Representative and State Senator.

If there is interest in moving forward on this idea, we will place it as an Action Item at the December 16, 2024 School Board Meeting.

**Presentation:** Superintendent of Schools, Jeff Olson



## ADDENDUM

### REGULAR BOARD MEETING Monday, November 18, 2024 SPCC-Governor's Room 6:30PM

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#### VIII. INFORMATION ITEMS

##### ***5. AGENDA ITEM #5***

**Subject:** Update on 2025-2026 District Calendar

**Background:** The 2025-2026 District Calendar has been updated to include:

- The first day of school for K-8 and Rock Bend; and
- K-12, Rock Bend and Oshawa Parent/Teacher Conferences

The calendar is included in the Board Packet and will be placed on the website and shared with other educational entities in the district by December 1, 2024.

**Presentation:** Superintendent of Schools, Jeff Olson

# 2025-2026 Saint Peter Public Schools

		August 2025							September 2025								
		S	M	T	W	Th	F	S	S	M	T	W	Th	F	S		
20-21	New Teacher Workshop						1	2		1	2	3	4	5	6	1	Labor Day
25-28	Teacher Workshop	3	4	5	6	7	8	9	7	8	9	10	11	12	13	2	First Day of School SPHS
27	9-12 & Rock Bend P/T Conferences - PM	10	11	12	13	14	15	16	14	15	16	17	18	19	20	2-3	K-8 P/T Entrance Conferences
		17	18	19	20	21	22	23	21	22	23	24	25	26	27	4	First Day of School K-8 & Rock Bend
		24	25	26	27	28	29	30	28	29	30					19	Staff Development Day - No School
		31															
		October 2025							November 2025								
		S	M	T	W	Th	F	S	S	M	T	W	Th	F	S		
8	Oshawa P/T Conferences PM				1	2	3	4							1	6	End of 1st Qtr / K-8: 43 days / 9-12: 45 days
16-17	MEA Break	5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	Teacher Workday - No School
31	Early Release	12	13	14	15	16	17	18	9	10	11	12	13	14	15	13	K-8, 9-12 & Rock Bend P/T Conferences - PM
		19	20	21	22	23	24	25	16	17	18	19	20	21	22	14	K-8 No School - P/T Conferences
		26	27	28	29	30	31		23	24	25	26	27	28	29	18	K-8 P/T Conferences - PM
									30							21	Early Release
																27-28	Thanksgiving Break
		December 2025							January 2026								
		S	M	T	W	Th	F	S	S	M	T	W	Th	F	S		
10	Oshawa P/T Conferences PM		1	2	3	4	5	6					1	2	3	1-2	Winter Break
		7	8	9	10	11	12	13	4	5	6	7	8	9	10	16	Early Release Day
22-31	Winter Break	14	15	16	17	18	19	20	11	12	13	14	15	16	17	23	End of 2nd Qtr/K-8: 41 days 9-12: 42 days
		21	22	23	24	25	26	27	18	19	20	21	22	23	24	19	MLK DAY
		28	29	30	31				25	26	27	28	29	30	31	26	Teacher Workday - No School
		February 2026							March 2026								
		S	M	T	W	Th	F	S	S	M	T	W	Th	F	S		
12	K-8 P/T Conferences - PM	1	2	3	4	5	6	7	1	2	3	4	5	6	7	6	Early Release Day
13	K-8 No School - P/T Conferences	8	9	10	11	12	13	14	8	9	10	11	12	13	14	20	No School
16	President's Day	15	16	17	18	19	20	21	15	16	17	18	19	20	21	27	End of 3rd Qtr/K-8: 41 days 9-12: 42 days
17	K-8 P/T Conferences - PM	22	23	24	25	26	27	28	22	23	24	25	26	27	28	30	Teacher Workday - No School
25	9-12, Rock Bend and Oshawa P/T Conferences - PM								29	30	31						
		April 2026							May 2026								
		S	M	T	W	Th	F	S	S	M	T	W	Th	F	S		
2	Early Release				1	2	3	4						1	2	6	9-12, Rock Bend and Oshawa P/T Conferences - PM
3-6	No School	5	6	7	8	9	10	11	3	4	5	6	7	8	9	8	Early Release Day
24	Staff Development Day - No School	12	13	14	15	16	17	18	10	11	12	13	14	15	16	25	Memorial Day
		19	20	21	22	23	24	25	17	18	19	20	21	22	23		
		26	27	28	29	30			24	25	26	27	28	29	30		
									31								
		June 2026															
		S	M	T	W	Th	F	S									
4	End of 4th Qtr/K-8: 42 days 9-12: 44 days		1	2	3	4	5	6									
5	Teacher Workday/Graduation	7	8	9	10	11	12	13									
		14	15	16	17	18	19	20									
		21	22	23	24	25	26	27									
		28	29	30													



SOUTH: 934-2754  
 NORTH: 934-3260  
 MIDDLE SCHOOL: 934-4210  
 HIGH SCHOOL: 934-4212  
 DISTRICT OFFICE: 934-5703  
 SAINTS BUS SERVICE: 934-4690  
[www.stpeterschools.org](http://www.stpeterschools.org)

THE SCHOOL BOARD RESERVES THE RIGHT TO CHANGE OR MODIFY THE CALENDAR.

Modified: 11.14.24