

## **Agenda**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **MISSION AND VISION STATEMENTS**
4. **STRATEGIC PLAN REVIEW**
5. **APPROVAL OF AGENDA**
6. **OPEN FORUM**
7. **LE SUEUR-HENDERSON SCHOOL DISTRICT RECOGNIZES**
  1. Donations & Grants Received
  2. LSH Fall Sports All-Conference & Honorable Mention
  3. Students of the Month
8. **REPORTS**
  1. Committee Reports
    1. Finance  
**Presenter:** Director Matt Hathaway
    2. Negotiations  
**Presenter:** Director Joe Roby
    3. MVED  
**Presenter:** Director Steve Cross
    4. Human Resource  
**Presenter:** Director Kelsey Schwartz
    5. Policy  
**Presenter:** Director Gretchen Rehm
    6. Facility Steering  
**Presenter:** Director Matt Hathaway
    7. Community Ed Council  
**Presenter:** Director Brigid Tuck
  2. Superintendent Report
    1. Administrative Team Reports
9. **CONSENT AGENDA**
  1. Approval of District Office Consent Items
    1. Minutes of Special School Board Meeting 11/8/21
    2. Minutes of the School Board Work Session held on 11/15/2021.
  2. Approval of Business Office Consent Items
  3. Approval of Personnel Consent Items
    1. Hirings
      1. Custodian- Jeff Jensen
      2. Social Studies LT Sub-Kyle O'Brien
      3. Title I Teacher - Madeline Saucier
      4. B Squad Boys Basketball Coach-Eric Lewis

5. Interim Business Manager-Jennifer Vrklan
2. Resignations
  1. Business Manager- Ky Battern
  2. Park & Hilltop Library Media-Breanne Nelsen
  3. Track Assist.- Ann Zeiher
  4. Director of Technology-James Keltgen
  5. HS Social Studies Teacher, Robert Steiger resignation/agreement effective January 9, 2022
  6. B Squad Softball Asst Coach-Klaire Hudson
  7. B Squad Softball Asst Coach-Kaitlyn Braun
3. Requests
4. Retirements
10. **PURCHASES ABOVE \$5,000**
11. **OLD BUSINESS**
12. **NEW BUSINESS**
  1. Resolution to adopt the final 2021 payable 2022 property tax levy
  2. Policies
    1. First Reading of three:
      1. 406 Public and Private Personnel Data
      2. 416 Drug and Alcohol Testing
      3. 420 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS
      4. 421 Gifts to Employees and School Board Members
      5. 425 Staff Development
      6. 501 School Weapons
      7. 507 Corporal Punishment
    3. Approve FFA Position.
    4. Approve Nurse Position.
13. **BOARD MEMBER COMMUNICATIONS / IDEAS EXCHANGE**
14. **NEXT MEETING INFORMATION**
  1. Schedule of Upcoming Meetings
15. **ADJOURN**

**RESOLUTION TO ACCEPT GRANTS AND DONATIONS  
TO THE LE SUEUR-HENDERSON SCHOOL DISTRICT**

**WHEREAS**, the Le Sueur-Henderson School District Board encourages the support of the district's educational programs through the funding and support of grant opportunities and donations that meet the goals and objectives of the school district;

**WHEREAS**, the school district will control and maintain all grants and donations to ensure that the interests of all students are met;

**WHEREAS**, the grants and donations listed below have been reviewed and approved by the administration of the Le Sueur-Henderson School District;

**THEREFORE, BE IT RESOLVED**, by the School Board of Independent School District No. 2397, to accept the following grants and donations for the purposes intended:

- Le Sueur Knights of Columbus - \$5,000 for extra curricular athletic trainer,
- Cyola Jean Foundation - \$500 for Literacy in the Community program,
- Robert Stengl - \$250 for Hilltop Elementary activities,
- Friends of the Henderson Library - \$36 for books for Henderson preschool students,
- Blue & Gold Booster Club - \$2,592.50 for WiFi installation for football field camera,
- Le Sueur Knights of Columbus - \$500 for 7 Mindsets curriculum and professional development.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed:

\_\_\_\_\_  
School Board Chair, Brigid Tuck

Attest:

\_\_\_\_\_  
School Board Clerk, Kelsey Schwartz



***Our Vision (What we intend to create)***

- Le Sueur-Henderson Public Schools-where individual dreams and aspirations are born and fostered through student-centered learning.

***Our Mission (Our core purpose)***

*The mission of the LeSueur-Henderson Public Schools is to provide a shared commitment to learning that enables every student to contribute and succeed in life.*

**Meeting Agenda for: School Board Update**

**Meeting Date: 12-6-21      Time:**

**Place:              Meeting Facilitator: Jim Wagner**

Time	LSH Team Member	2021 Sept - Dec. Updates
	Jim Wagner - Superintendent	•
	Todd V. - Buildings and Grounds	•
	Jennifer V. - HR/Finance	•
	Nate Warden- Community Ed	<p><b>Early Childhood</b></p> <ul style="list-style-type: none"> <li>• Preschool and ECFE have been off to a great start.</li> <li>• Here are the Pre-K enrollment numbers:               <ul style="list-style-type: none"> <li>○ 3yr 1/2 day- 16</li> <li>○ 4yr 1/2 day- 25</li> <li>○ 4yr full day-31</li> </ul> </li> <li>• We will be going on our first field trip since the pandemic has hit on Dec. 1st to Elf Jr. at Stages Theatre in Hopkins. We are very excited to have this opportunity. With the holidays right around the corner, we will be talking about traditions and building gingerbread houses.</li> <li>• ECFE began its year with an ECFE open house night held on Sept. 15th. It was a great kick-off to the ECFE year. We had a guest appearance from a magician and handed out prizes and books. We had about 60 people attend this event.</li> <li>• The ECFE class that we held this fall has 8 children enrolled in it. It is nice to see the children and families able to be back in the classroom building friendships once again. Our Fall harvest was our biggest event yet. We had about 100 people in attendance. There were a lot of smiling faces as the children played games, ate,</li> </ul>

played in the glow room, decorated cookies, and spent time with friends.

#### **Kids Club and Early Ed-Ventures**

- We are looking into the possibility of using the pyramid model. The pyramid model utilizes evidence based practices for promoting the social and emotional well being in children. This model utilizes techniques that are shared across all staff as well as families to help reduce the number of behavior incidents in the program and at home.
- Dec. 10th is our parents night out event. As a way to say thank you to our families, we are offering free care and will have fun holiday-themed activities for the children to participate in.

#### **Adult Basic Education (ABE)**

- We have partnered with surrounding ABE programs to offer leveled Regional online ESL classes. Previously, classes taught were a one-room school house style with multiple levels and multiple subjects being taught. We have 6 levels from beginner to advanced that put students with similar abilities together. This has taken hours of planning within our ABE programs to pull this off. Separately we would not have the resources, but together we have been making this work and work well! Out of the 5 ABE consortiums working together, our consortium has the highest attendance rate.
- We have met with a marketing committee to help map out a way to advertise our program and the best ways to promote A.B. E.
- The state awarded our ABE consortium with \$48,000 in one-time funding. We have utilized those funds to purchase chromebooks, curriculum, replace tired desks and chairs, and purchase standardized assessments.

#### **General Community Education**

- It has become clear that a mailed out catalog produces more registrations than an online only catalog. Our adult class registration numbers are the best they have been in 20 months, where several of our classes have filled or been at capacity.
- District Facility Use - We are seeing a return of youth sport associations utilizing our school buildings for

		<p>practices and tournaments. We have 4 tournaments booked in the next several months where people from out of town will be coming in and out of our gyms.</p> <ul style="list-style-type: none"> <li>● We held a “National Community Ed.” Day on November 11th, where we handed out lemonade, coffee, and cookies to the public. All in attendance received 10% off any future community ed. class.</li> <li>● On Friday, Dec. 3rd, we participated in the “Christmas in the Valley” parade. We handed out hot chocolate packets and had a lighted float with an early childhood theme that was pulled by a John Deere Tractor. Our community ed. Director is a Le Sueur Rotarian and is on the Le Sueur Chamber of Commerce - both agencies worked together to put together the event.</li> </ul>
	Jeff Christ- AD/DOS	<ul style="list-style-type: none"> <li>●</li> </ul>
	Brian T. - HS/MS Principal	<ul style="list-style-type: none"> <li>● LS-H MS/HS hosted a guest speaker, sponsored by the Duck Cup Memorial, on October 11th to present mental health education to our 6-8th and 9-12th grade students.</li> <li>● On October 26th, we hosted the 1st Annual 11th Grade Career &amp; College Day at LSH High School. All Juniors attended an opening keynote and four breakout sessions from 8:10 AM - 1:16 PM. Thank you to Ingrid Al-Sattam and Danielle Duffey for coordinating this event!</li> <li>● Our Middle School Student Council has coordinated monthly 6-8th Grade Pep Fests in September, October and November. <ul style="list-style-type: none"> <li>○ Pep fests celebrate Students of the Month, WIN Growth Awards, Team Building Games, 7 Mindsets Reinforcement, etc.</li> <li>○ Thanks to Ms. Fritz for her leadership!</li> </ul> </li> <li>● Thanks to Jen Hovick for inviting the Ridgeview Medical Helicopter to land at Giants Stadium on Nov. 4th. Members of the helicopter team worked with our EMR students.</li> <li>● EMR students are now eligible to receive articulated college credit upon successful completion of the course.</li> <li>● Thank you to the Henderson and Le Sueur VFW Color Guards and guest speaker, Sam Gore, for joining our Veteran’s Day Assembly. Our band and choir performances were also well received.</li> <li>● Approximately 80 high school students attended the Construct Tomorrow Field Trip in Mankato on Nov. 17th.</li> <li>● Ms. Shoemaker, Mr. Ronningen, Ms. Burdorf and Mr. Thorstad attended the SCSC Career Pathways Development Workshop on November 18th.</li> <li>● Tim Weidenbach, motivational speaker, will be presenting to our students on Dec. 7th. He will discuss distracted driving with our high school students and bullying with our middle school students. Thank you to The Bar in Le Sueur for sponsoring Mr. Weidenbach’s presentations!</li> </ul>

		<ul style="list-style-type: none"> <li>● Mr. Marcusson is currently working with the Le Sueur Rotary Club to plan the next Giant Reality Challenge for our Semester 1 Economics students. This event will be hosted in January.</li> <li>● A team is currently working to plan our 2nd Annual Middle School Career Day that will be hosted in February. Last year, over 40 local professionals participated in this event!</li> <li>● Brian Thorstad and Danielle Duffey will be meeting with local businesses in December to discuss potential youth apprenticeship partnerships for the 2022-2023 school year.</li> <li>● Mr. Thorstad has met with local professionals to begin planning a new Agriculture and FFA program for the 2022-2023 school year.</li> <li>● All 6-12th grade students have participated in our Giant Time College &amp; Career Seminars this year. Each month, students meet in their advisory classes to participate in career development activities. Thank you to Ingrid Al-Sattam and Karla Undeberg for planning these opportunities for our students.</li> <li>● Congratulations to all of our students, Ms. Lowe and Mr. Kubasta on their successful Fall Choir and Band concerts. We look forward to their next performances on Dec. 13 and 20 respectively.</li> </ul>
	Darren Kern - Elementary Principal	<ul style="list-style-type: none"> <li>● Conferences at Park were very well attended, over 90% of families attended conferences</li> <li>● The Elementary PTO dance was held on Saturday Dec. 4th. The dance was well attended and was a lot of fun for students and families.</li> <li>● In previous districts, Mr. Kern has led a school improvement planning process that has led to a significant increase in MCA scores across all grade levels. Mr. Kern will be meeting with district administration to discuss this process, and will determine what version of this could be done in our schools.</li> <li>● The winter music concert will be held at the MS/HS on 12/10. The concert is being held at the MS/HS due to the auditorium at Park not being in shape to host such an event.</li> <li>● December 10th is also the morning of Breakfast With Santa at Park.</li> <li>● Park and Hilltop students and staff are proud to be partnering with the city of Le Sueur in decorating ornaments for the city tree. Each student received an ornament and has decorated the ornament to be placed on the tree. Making these connections between school and community are important and we are happy to do this.</li> <li>● Park students and staff participated in a Veteran's Day program. Students lead parts of our program introducing how to fold the flag with our Veterans.</li> </ul>
	Jody Rittmiller - Elementary AP	<ul style="list-style-type: none"> <li>● It has been great having families in for pre-conferences and parent teacher conferences in November. Hilltop had 91% of families attend conferences.</li> <li>● Hilltop grade 4 students will experience the Artist in Residence, the week of Dec. 6-10. Steve Peters will be joining our classrooms to inspire writers.</li> </ul>

		<ul style="list-style-type: none"> <li>● Hilltop grade 5 students will be listening and learning from Duck Cup presenters in January. The presentation will focus on taking care of ourselves and mental health.</li> <li>● With the new MN state standards and STEM, we are doing a STEM reboot and inspiring learners with hands-on, inquiry based learning!</li> <li>● Our PLC teams are working hard to increase student test data by looking at formative, summative and ELOs to ensure high rigor and differentiated individual learning.</li> <li>● Hilltop students and staff participated in a Veteran’s Day program. Students lead parts of our program introducing how to fold the flag with our Veterans.</li> <li>● Our students continue to lead by reading our announcements and volunteering in ways to show they care. We recognize staff and students with our YOU MATTER calls and continued messages to tie into our 7 Mindsets.</li> <li>● A huge thank you to our PTO for sponsoring needs in our classrooms, fundraisers and the upcoming Jingle Ball dance.</li> <li>● On Thursday, Dec. 16, Hilltop students will be performing in the auditorium at the Middle School/High School at 6:30 for our Winter Concert. Thank you to Mrs. Weick for her talent.</li> <li>● Hilltop has celebrated learning with 2 Giant Pride Celebrations and All School Bingo. We will have our next Giant Pride Celebration on Wednesday, Dec. 22.</li> <li>● Our annual Wreath Sales generated \$4200.00 profit and over 490 items were sold and picked up! Great job!</li> </ul>
	James Keltgen - Technology Director	<ul style="list-style-type: none"> <li>●</li> </ul>

*Trustworthiness @ Respect @ Responsibility @ Caring @ Fairness @ Citizenship*

**2021 LSH Activities  
Fall Report**

Below are the participation #'s by activity, grade, and gender for Fall 2021..followed by numbers of participants from previous years. Also a season summary for each activity.

	Football	Volleyball	Tennis	Swim & Dive	Girls CC	Boys CC	Girls Fall Musical	Boys Fall Musical
<b>Grade</b>								
7th grade	24	13	3			2		2
8th grade	16	5	7	2	2	1		
9th grade	9	8	8		1	4	2	
10th grade	10	9	1	1	1	4	7	2
11th grade	9	7	5		6	4	4	3
12th grade	10	8	10	1	1		3	2
<b>Total</b>	<b>78</b>	<b>50</b>	<b>34</b>	<b>4</b>	<b>11</b>	<b>17</b>	<b>16</b>	<b>9</b>


2020-21	<b>NUMBER OF STUDENTS PARTICIPATING</b>							
<b>ACTIVIT</b>	LSH	Home	MNCS	TCU	CLV	SE	STP	BP

Y		School						
Cross Country	34							
Tennis	35		1					
Volleyball	36							
Football	35							

Swimming 4

2019-20	<b>NUMBER OF STUDENTS PARTICIPATING</b>							
ACTIVITY	LSH	Home School	MNCS	TCU	CLV	SE	STP	BP
Cross Country	38							
Tennis	31		1					
Volleyball	67		1					
Football	83							

Swimming 3

2018-19	<b>NUMBER OF STUDENTS PARTICIPATING</b>							
ACTIVITY	LSH	Home School	MNCS	TCU	CLV	SE	STP	BP
Cross Country	34		1					
Tennis	33		1					
Volleyball	71		1					
Football	88							

Swimming 4

## **Season Summaries:**

### ***Football***

- Varsity finished 1-7 with a loss to State Semi-Finalist Maple River in the Section playoffs
- Highlight of the season was a come from behind win vs. Sibley East on Homecoming!
- **All-District**
- Mason Reinhardt sr
- Nathan Gregersen sr
- Jack Steinborn jr
- **Honorable Mention**
- Brogan McMillen soph
- David Gupton sr

### ***Volleyball***

- Varsity finished with a record of 4-19, 5<sup>th</sup> in the Minnesota River Conference
- **MRC All-Conference:** Julia More sr
- **MRC Honorable Mention:** Morgan Schwandt jr

### ***Cross Country***

- Girls Finished 4<sup>th</sup> in MRC...Boys finished 5<sup>th</sup> in MRC
- **MRC All-Conference:** Hailey Juarez sr
- MRC Honorable Mention:** Dylan Novak sr
- MRC Honorable Mention:** Brandy Wolf soph.
- Hailey Juarez All-Section State Participant (1<sup>st</sup> girl in LSH history)

### ***Tennis***

- MRC Champions!!
- **MRC All-Conference**
- Chloe Brandt jr.
- Darbi Dunning sr
- Anna Pavlo sr
- Mia Schwarz sr
- Gracie Buesgens sr
- Ella Nesbit jr

- **MRC Honorable Mention:**
- Morgan Jones sr
- Chloe Brandt- Section Champion & State Participant
- Linda Seaver named MRC Tennis Coach of the Year

### ***Swim/Dive***

- LSH had four participants on the TCU/LSH Swim & Dive Co-op
- The team sent their first ever swimmer to the State Meet

### **Fall Musical “Shrek”**

- Outstanding performances by our LSH students and our Directors Mrs. Weick, Mr. Kubasta, and Mrs. Lowe!!!

BOARD OF EDUCATION  
INDEPENDENT SCHOOL DISTRICT 2397  
LE SUEUR-HENDERSON PUBLIC SCHOOLS  
MINUTES OF SPECIAL SCHOOL BOARD MEETING  
HILLTOP ELEMENTARY MEDIA CENTER  
November 08, 2021

Item 1.0     **Call to Order:** The special meeting of the Le Sueur-Henderson Board of Education was called to order at 6:31 PM. Board members in attendance were

Brigid Tuck, Joe Roby, Steve Cross, Matt Hathaway, Kelsey Schwartz, Brian Sorenson

Members Absent: Gretchen Rehm,

Also in attendance: Superintendent, Jim Wagner; Administrative Assistant, Juanita Flores; Gary and Jason, Krause Anderson; Rachel, Henderson Independent, Carson Hughs, Le Sueur County

Item 2.0     **Pledge of Allegiance:** The pledge was recited.

Item 3.0     **Mission and Vision Statements:**

Item 4.0     **Strategic Plan Review:**

Item 5.0     **Approval of Agenda:** Motion by Roby, second by Sorenson, carried 6-0, to approve the meeting agenda.

Item 6.0     **Le Sueur- Henderson School District Recognizes:**

Item 6.1 A resolution was presented to accept grants and donations to the Le Sueur - Henderson Public School District. Said resolution is attached hereto and made a part of these minutes. Motion made by Board Member Schwartz and upon being seconded by Board Member Cross said the resolution was duly adopted by the following roll call vote, carried 6-0.

Tuck	Yes	Schwartz	Yes
Cross	Yes	Sorenson	Yes
Roby	Yes	Hathaway	Yes

Item 6.2 Students of the Month

Item 7.0     **Reports:**

Item 7.1 Committee Reports

- Item 7.1.1 Finance
- Item 7.1.2 Negotiations
- Item 7.1.3 MVED
- Item 7.1.4 Human Resources
- Item 7.1.5 Policy
- Item 7.1.6 Facility Steering
- Item 7.1.7 Community Ed Council
- Item 7.2 Superintendent Report
  - Item 7.2.1 Nov. Student Enrollment Numbers
  - Item 7.2.2 COVID Money a second Nurse position

Item 8.0        **Consent Agenda:** Motion by Sorenson, second by Roby, carried 6-0, to approve the following consent items:

Item 8.1 District Office Consent Items:

- Item 8.1.1 Minutes of October 11, 2021, Regular School Board Meeting
- Item 8.1.2 Minutes of October 18, 2021, Special School Board Meeting

Item 8.2 Approval of Business Office Consent Items:

- Item 8.2.1 Treasurer's Report-January 2021
  - Item 8.2.1.1 Receipts for January 2021 in the amount of \$7,231,777.75 subject to annual audit.
  - Item 8.2.1.2 Bills and claims for January 2021 in the amount of \$878,489 subject to annual audit.
  - Item 8.2.1.3 Student Activity Summary-January 2021
- Item 8.2.2 Treasurer's Report- February 2021
  - Item 8.2.2.1 Receipts for February 2021 in the amount of \$985,637.15 subject to annual audit.
  - Item 8.2.2.2 Bills and claims for February 2021 in the amount of \$580,405.94 subject to annual audit.
  - Item 8.2.2.3 Student Activity Summary-February 2021
- Item 8.2.3 Treasurer's Report-March 2021
  - Item 8.2.3.1 Receipts for March 2021 in the amount of \$1,219,037.54 subject to annual audit.
  - Item 8.2.3.2 Bills and claims for March 2021 in the amount of \$8,128,488.61 subject to annual audit.
  - Item 8.2.3.3 Student Activity Summary-March 2021
- Item 8.2.4 Treasurer's Report-April 2021
  - Item 8.2.4.1 Receipts for April 2021 in the amount of \$1,296,049.30 subject to annual audit.
  - Item 8.2.4.2 Bills and claims for April 2021 in the amount of \$642,114.59 subject to annual audit.
  - Item 8.2.4.3 Student Activity Summary-April 2021
- Item 8.2.5 Treasurer's Report-May 2021
  - Item 8.2.5.1 Receipts for May 2021 in the amount of \$1,216,967.07 subject to annual audit.

Item 8.2.5.2 Bills and claims for May 2021 in the amount of \$780,951.41 subject to annual audit.

Item 8.2.5.3 Student Activity Summary-May 2021

Item 8.2.6 Treasurer's Report-June 2021

Item 8.2.6.1 Receipts for June 2021 in the amount \$1,801,448.81 subject to annual audit.

Item 8.2.6.2 Bills and claims for June 2021 in the amount of \$718,795.57 subject to annual audit.

Item 8.2.6.3 Student Activity Summary-June 2021

Item 8.2.7 Budget Analysis Year to Date

Item 8.3 Approval of Personnel Consent Items

Item 8.3.1 Hirings

Item 8.3.1.1 Long Term Sub 2nd Grade Teacher- Sandy Hartmann

Item 8.3.1.2 Head Wrestling Coach- Luke Wilson

Item 8.3.1.3 MS Girls Basketball- Roma Pokibro

Item 8.3.2 Resignations

Item 8.3.3 Requests

Item 8.3.4 Retirements

Item 9.0 **Purchases Above \$5,000**

Item 10.0 **Old Business**

Item 11.0 **New Business**

Item 11.1 Notice of locations where ballots will be counted.

Item 11.2 **Canvass 2021 Special Election**

Item 11.2.1 Oath of Office for Canvassing Board members to be administered by Superintendent Wagner.

Item 11.2.2 Canvass the results of the 2021 School Board Special Election.

Item 11.2.3 A Resolution Canvassing Returns of Votes of School District Special Election was presented. Said Resolution is attached hereto and made a part of these minutes. Motion made by Board Member Roby and upon being seconded by Board Member Tuck, said the resolution was duly adopted by the following roll call votes 6-0.

Tuck	Yes/No	Schwartz	Yes/No
Rehm	Yes/No	Cross	Yes/No
Roby	Yes/No	Hathaway	Yes/No
Sorenson	Yes/No		

Item 11.2.4 Certificate Regarding Contest of Special Election.

Item 12.0 **Board Member Communication/ Ideas Exchange**

Item 13.0 **Next Meeting Information**

Item 13.1 Schedule of Upcoming Meetings

Item 14.0 **Adjourn:** Motion by Hathaway [REDACTED], second by Swart [REDACTED], carried 6-0 [REDACTED], to adjourn the meeting at &:38 [REDACTED] PM.

INDEPENDENT SCHOOL DISTRICT 2397  
LE SUEUR-HENDERSON PUBLIC SCHOOLS  
MINUTES OF SCHOOL BOARD WORK SESSION  
MS/HS MEDIA CENTER  
November 15, 2021

Item 1.0     **Call to Order:** The work session of the Le Sueur-Henderson School Board was called to order at 6:31 PM. Board members in attendance were: Brigid Tuck, Steve Cross, Joe Roby, Kelsey Schwartz, Brian Sorenson, Gretchen Rehm.

*Members Absent: Matt Hathaway*

Also in attendance: Superintendent, Jim Wagner; Admin. Assist. Juanita Flores; Rachel- Henderson Independent; Carson Hughs, Le Sueur County

Item 2.0     **Pledge of Allegiance:**

Item 3.0     **Agenda:**

Item 3.1 Krause Anderson

Item 4.0     **Closed Session:** Motion by Roby, second by Schwartz, carried 6-0, to enter into closed session at 7:42 PM as required under the Open Meeting Law, Minnesota Statutes Section 13D.05, subd. 2(b).

Item 5.0     **Adjourn:** Motion by Sorenson, second by Rehm, carried 6-0, adjourned the work session at 8:36 PM.



# Employment Recommendation

## Le Sueur - Henderson School District

**Position:** Night Custodian

**Recommended Candidate:** Jeffrey Jensen

**Recommended by:** Todd Vrklan **Date:** 11/12/2021

To be completed by administrator:

Candidate has current & appropriate certification (if applicable):

N/A

Reference checks completed:

Yes

Years of experience (Step Placement):

1

<input type="checkbox"/>
<input checked="" type="checkbox"/>

**NEW**

**EXISTING**

**REPLACING:** Craig Kroehler

**Additional Information:**

•

**Approval of administrator:** Todd Vrklan 11/12/2021

Electronic Signature

Date

**Approval of Superintendent:**

Electronic Signature

Date



## Employment Recommendation Le Sueur - Henderson School District

**Position: Middle/High School Long Term Substitute Teacher - Social Studies**

**Recommended Candidate:** Kyle O'Brien

**Recommended by:** Brian Thorstad

**Date:** 11/29/21

To be completed by administrator:

Candidate has current & appropriate certification:

Yes

Reference checks completed:

Yes

Years of experience granted:

0

Step Placement:

1

Highest degree currently held:

Bachelor's

Lane Placement:

BA

Credits beyond highest degree granted:

0

New Position

Existing Position

Replacing: Robert Steiger

**Additional Information:**

- Pending Background Check

Approval of Principal:

*Brian Thorstad*

11/29/21

Electronic Signature

Date

Approval of Superintendent:

Electronic Signature

Date

Share with via Google Drive - District Office (Jim, Jennifer, Juanita) & Technology (James)

**Secondary Email: [kpobrien13@gmail.com](mailto:kpobrien13@gmail.com)**



## Employment Recommendation Le Sueur - Henderson School District

**Position:** Title 1 Teacher

**Recommended Candidate:** Madeline Saucier

**Recommended by:** Kern/Rittmiller

**Date:** 11/30/21

To be completed by administrator:

Candidate has current & appropriate certification:

no

Reference checks completed:

yes

Years of experience granted:

0

Step Placement:

1

Highest degree currently held:

Bachelor's Degree

Lane Placement:

BA +1

Credits beyond highest degree granted:

0

New Position

Existing Position

Replacing: Christa Luna

**Additional Information:**

- Madeline is completing her student teaching at Park on 12/8/21
- Madeline is waiting for her license to be processed
- Madeline has a pre-planned trip from 12/12-12/19

Approval of Principal: Darren Kern

11/30/21

Electronic Signature

Date

Approval of Superintendent:

Electronic Signature

Date



## Coach/Advisor Recommendation Le Sueur - Henderson School District

Position: B Squad Boys Basketball Coach

Recommended Candidate: Eric Lewis

Recommended by: Jeff Christ

To be completed by administrator:

Candidate has current & appropriate certification (if applicable):

X

Reference checks completed:

X

Years of experience (Step Placement):

25

X

NEW

EXISTING

**Additional Information:** Eric will be starting as B squad coach on Tuesday 12/7/21 if approved by school board.

Approval of Activities Director:

*Jeff Christ*

*12/6/21*

Electronic Signature

Date



## Employment Recommendation Le Sueur - Henderson School District

**Position: Business Manager-Interim**

**Recommended Candidate:** Jennifer Vrklan

**Recommended by:** Jim Wagner **Date:** 11/29/2021

To be completed by administrator:

Candidate has current & appropriate certification:

Reference checks completed:

Years of experience granted:

Step Placement:

Highest degree currently held:

Lane Placement:

Credits beyond highest degree granted:

Yes
NA
NA
NA
0

New Position

Existing Position

Replacing: Ky Battern

**Additional Information:**

- Interim until filled

Approval of Superintendent:

*Jim Wagner* 12/6/21

Electronic Signature

Date

Share with via Google Drive - District Office (Jim, Jennifer, Juanita) & Technology (James)

November 5, 2021

Jim Wagner  
Superintendent  
Le Sueur-Henderson Public Schools

Dear Mr. Wagner,

Please accept this letter as my formal notice of resignation from the Business Manager position at Le Sueur-Henderson Public Schools. I have accepted a Finance Director position close to home in Mankato. My last day with the District will be November 19, 2021, but I will be able to perform some part time duties through December 6, 2021 in order to help with the transition.

It has been a pleasure working within this administration, staff, and school board during my time here and I am grateful for having been provided the opportunity to do so. Thank you for the support and the opportunities provided me over the last four plus years.

As stated above, I am available and willing to help with any transition.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ky Battern', with a stylized flourish at the end.

Ky Battern

Breanne Nelsen  
115 N. 5<sup>th</sup> Street  
Le Sueur, MN 56058  
11/18/2021

Principal Darren Kern  
Park Elementary School  
115 N. 5<sup>th</sup> Street  
Le Sueur, MN 56058

Dear Principal Kern,

It is with regret that I tender my resignation from the Le Sueur-Henderson School District, effective December 23, 2021.

Thank you for the opportunity.

Sincerely,

A handwritten signature in black ink that reads "Breanne Nelsen". The signature is written in a cursive, flowing style.

Breanne Nelsen

**Ann Zeiher**

to me, Sue ▾

11:00 AM (1 hour ago)



Hi Jeff,

Please accept this email as my formal resignation/retirement from my assistant track coaching position. I have enjoyed working with our athletes and coaches in this capacity but it is time for me to move on.

That being said, I am still interested in working at the meets as needed and as my schedule allows. My preference remains working high jump but I can help wherever needed.

Sincerely,

Ann

James Keltgen  
2240 1<sup>st</sup> Ave NE  
Owatonna MN 55060  
(507) 351-5470  
[james.keltgen@gmail.com](mailto:james.keltgen@gmail.com)

12/2/2021

Jim Wagner  
Le Sueur-Henderson Public Schools

Jim,

It is with regret that I am resigning from my position as Director of Technology for Le Sueur-Henderson Public Schools. My last day with the organization will be 12/17/2021.

Thank you for the support and opportunities to advance the technology capabilities and overall stability of the infrastructure. I have enjoyed everyone I worked with and my time with the school.

If I can be of any assistance during this transition, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Keltgen', with a large, sweeping flourish extending to the right.

James Keltgen

**B team softball resignations**

1 message

**Jeff Christ** <jchrist@isd2397.org>

Mon, Dec 6, 2021 at 9:35 AM

To: San Juanita Flores &lt;sflores@isd2397.org&gt;, Jennifer Vrklan &lt;jvrklan@isd2397.org&gt;, Frances Long &lt;flong@isd2397.org&gt;

Please see below from Klaire Hudson and Kaitlyn Braun:

**Klaire Hudson**

9:06 AM (23 minutes ago)

to me, Eric

Good Morning, Jeff!

I hope your winter sports season has been off to a great start!

Just wanted to reach out to inform you that since I'm now living in Colorado, I don't think flying back for B-team softball practice every day this Spring would be ideal.. ;) That being said, please accept this as my resignation.

Thank you!

Klaire Hudson

**Kaitlyn Braun**

8:53 AM (37 minutes ago)

to me

Good morning, Mr. Christ!

Unfortunately, I will no longer be able to continue as the B-Squad softball coach due to other work and life commitments. Please accept this as my resignation.

Thank you!

Goooooo Giants Softball!

**Kaitlyn Braun**

507-581-3555 | braun634@gmail.com

The plan will be to have Anne Lewis will take over B squad and Eric Lewis will be solo Varsity Head Coach (Anne and Eric have been Co-Head coaches the past several years).

--

Jeff Christ  
Dean of Students/Activities Director  
LeSueur-Henderson MS/HS  
(W)507-665-5804

**Small Towns... GIANT Opportunities... District of Choice**

**B team softball resignations**

1 message

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--

Jeff Christ  
Dean of Students/Activities Director  
LeSueur-Henderson MS/HS  
(W)507-665-5804

**Small Towns... GIANT Opportunities... District of Choice**

**ISD 2397 LE SUEUR-HENDERSON PUBLIC SCHOOLS  
RESOLUTION TO ADOPT THE FINAL 2021 PAYABLE 2022 TAX LEVY**

**WHEREAS**, Pursuant to Minnesota Statutes the School Board of Independent School District No. 2397, Le Sueur, Minnesota, is authorized to make the following proposed tax levies for general purposes:

General Fund	\$	1,721,383.06
Community Service		102,154.71
Debt Service		1,315,511.72
<b>Total Proposed School Tax Levy</b>	<b>\$</b>	<b>3,139,049.49</b>

**THEREFORE, BE IT RESOLVED**, by the School Board of Independent School District No. 2397, Le Sueur, Minnesota, that the levy to be levied in 2021 to be collected in 2022 is set at \$3,139,049.49. The clerk of the School Board of Independent School District No. 2397 is authorized to certify the proposed levy to the County Auditor of Le Sueur County, Minnesota.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed:

\_\_\_\_\_  
School Board Chair, Brigid Tuck

Attest:

\_\_\_\_\_  
School Board Clerk, Kelsey Schwartz

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

MSBA/MASA Model Policy 406

Orig. 1995

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

Rev. ~~2014~~2021

## 406 PUBLIC AND PRIVATE PERSONNEL DATA

*[Note: The provisions of this policy accurately reflect the Minnesota Government Data Practices Act and are not discretionary in nature.]*

### I. PURPOSE

The purpose of this policy is to provide guidance to school district employees as to the data the school district collects and maintains regarding its ~~personnel~~employees, volunteers, independent contractors, and applicants (“personnel”).

### II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained, or disseminated by the school district, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school district.
- B. All other data on individuals is private or confidential.

### III. DEFINITIONS

- A. “Public” means that the data is available to anyone who requests it.
- B. “Private” means the data is not public and is available-accessible only to the following: the subject of the data, as limited by any applicable state or federal law; individuals within the school district whose work assignments reasonably require access; entities and agencies as determined by the responsible authority who are authorized by law to gain access to that specific data; and entities or individuals given access by the express written direction of the data subject.
- C. “Confidential” means the data isare not public and isare not ~~available-accessible~~ to the subject.
- D. “Parking space leasing data” means the following government data on an applicant~~-tion~~ for, or lessee~~ase~~ of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.
- E. “Personnel data” means government data on individuals maintained because they are or were employees~~-of the school district~~, applicants for employment,~~-or~~ volunteers or independent contractors for the school district,~~-or members of or applicants for an advisory board or commission.~~ Personnel data include data

submitted by an employee to the school district ~~by an employee~~ as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or to improve school district operations. ~~An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.~~

- F. “Finalist” means an individual who is selected to be interviewed by the school board for a position.
- G. “Protected health information” means individually identifiable health information as defined in 45 C.F.R. § 160.103, that is transmitted in electronic form by a school district acting as a by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium by a health care provider, in connection with a transaction covered by 45 C.F.R. Parts 160, 162 and 164. “Protected health information” excludes individually identifiable health information in education records covered by the ~~federal~~ Family Educational Rights and Privacy Act, ~~and~~ employment records held by a school district in its role as employer; and records regarding a person who has been deceased for more than fifty (50) years.
- H. “Public officials” means business managers; human resource directors; athletic directors whose duties include at least fifty (50) percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals and in a charter school, individuals employed in comparable positions.

#### IV. PUBLIC PERSONNEL DATA

- A. The following information on current and former employees, ~~including~~ volunteers and independent contractors of the school district, is public:
1. name;
  2. employee identification number, which may not be the employee’s ~~s~~Social ~~s~~Security number;
  3. actual gross salary;
  4. salary range;
  5. terms and conditions of employment relationship;
  6. contract fees;
  7. actual gross pension;
  8. the value and nature of employer-paid fringe benefits;

9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
10. job title;
11. bargaining unit;
12. job description;
13. education and training background;
14. previous work experience;
15. date of first and last employment;
16. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
17. the final disposition of any disciplinary action, as defined in Minnesota Statutes, section-§ 13.43, sSubdivision. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district;
18. the complete terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
19. work location;
20. work telephone number;
21. badge number;
22. work-related continuing education;
23. honors and awards received; and
24. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

- B. The following information on current and former applicants for employment by the school district is public:
1. veteran status;
  2. relevant test scores;
  3. rank on eligible list;
  4. job history;
  5. education and training; and
  6. work availability.
- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they applicants are considered by the school board to be become finalists for an public employment position.
- D. Applicants for appointment to a public body.
1. Data about applicants for appointment to a public body collected by the school district as a result of the applicant's application for employment are private data on individuals except that the following are public:
    - a. name;
    - b. city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
    - c. education and training;
    - d. employment history;
    - e. volunteer work;
    - f. awards and honors;
    - g. prior government service;
    - h. any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minn-esota Statutes, section-§ 15.0597; and
    - i. veteran status.
  2. Once an individual is appointed to a public body, the following additional

items of data are public:

- a. residential address;
- b. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
- c. first and last dates of service on the public body;
- d. the existence and status of any complaints or charges against an appointee; and
- e. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.

3. Notwithstanding paragraph 2., any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

E. Regardless of whether there has been a final disposition as defined in ~~Minnesota Statutes, section~~ § 13.43, ~~s~~Subdivision 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in ~~Minnesota Statutes, section~~ § 13.43, ~~S~~subdivision 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

~~F.~~ Data relating to a complaint or charge against a public official is public only if:

- ~~(1.)~~ the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
- ~~(2.)~~ potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement.

Data that is classified as private under another law is not made public by this provision.

## V. PRIVATE PERSONNEL DATA

A. All other personnel data not listed in Section IV are private ~~and will only be shared with school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.~~

- B. Data pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected, or maintained by the school district to administer employee assistance programs are private.
- D. Parking space leasing data with regard to data on individuals are private.
- E. An individual's checking account number is private when submitted to a government entity.
- F. Personnel data may be disseminated to labor organizations to the extent the responsible authority school district determines it is the dissemination is necessary for the labor organization to conduct its business selections, notify employees of fair share fee assessments and implement the provisions of Minnesota Statutes chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and the Bureau of Mediation Services ("BMS") to the extent the dissemination is or when ordered or authorized by the Commissioner of the Bureau of Mediation Services BMS.
- G. The school district may display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee.
- H. The school district may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
  1. the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
  2. a pre-petition screening team conducting an investigation of the employee under Minnesota Statutes, section -§ 253B.07, §subdivision- 1; or
  3. a court, law enforcement agency, or prosecuting authority.
- I. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime committed by an employee.
- J. A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.
- K. When allegations of sexual or other types of harassment are made against an employee, the employee shall does not have access to data that would identify the

complainant or other witnesses if the ~~school district~~responsible authority determines that the employee's access to that data would:

1. threaten the personal safety of the complainant or a witness; or
2. subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

- L. The school district ~~shall~~must make any report to the Minnesota Professional Educator Licensing and Standards Board ("PELSB") ~~or the state board of education~~ the Board of School Administrators ("BOSA"), whichever has jurisdiction over the teacher's or administrator's license, as required by ~~Minnesota Statutes, section~~ § 122A.20, Ssubdivision. 2, and shall, upon written request from the licensing board having jurisdiction over ~~a teacher's~~ or administrator license, provide the licensing board with information about the teacher or administrator from the school district's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with ~~Minnesota Statutes, section~~ § 122A.20, Ssubdivision. 2.

*[Note: The obligation to make a report set forth in this section applies equally to charter school boards and their executive directors and charter school authorizers.]*

- M. Private personnel data shall be disclosed to the ~~d~~Department of Employment and eEconomic security-Development for the purpose of administration of the unemployment insurance program under ~~Minnesota Statutes~~. Ch. 268.
- N. When a report of alleged maltreatment of a student in an elementary, middle school, high school or charter school facility, as defined under Minn. Stat. section 260E.03, is made to the Commissioner of the Minnesota Department of Education ("MDE") under Minnesota Statutes eChapter 260E, data that are relevant and collected by the school facility about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of informing-providing information to a parent, legal guardian, or custodian of a child in accordance with MDE Screening Guidelines~~that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.~~
- O. The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if

1. an investigation conducted by or on behalf of the school district or law

enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or

2. the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minnesota Statutes Chapter 13.

Data that are released under this paragraph must not include data on the student.

- P. ~~The identity of an employee making a suggestion as part of an organized self-evaluation effort by the school district to cut costs, make the school district more efficient, or to improve school district operations is private. Data submitted by an employee to the school district as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or improve the school district operations is private data. An employee who is identified in a suggestion, however, shall have access to all data in the suggestion except the identity of the employee making the suggestion.~~
- Q. ~~Protected Health information, as defined in 45 C.F.R. Parts 160 and 164, on employees is private and will not be disclosed—except as permitted or required unless otherwise provided—by law. To the extent that the school district transmits protected health information, the school district will comply with all privacy requirements.~~
- R. Personal home contact information for employees may be used by the school district to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of school district operations ~~and may be~~ shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.
- S. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- T. When a continuing contract teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual

offenses involving a child as set forth in Minnesota Statutes, section 122A.40, subdivision 13(b), ~~or sexual abuse~~ or when the Commissioner of the ~~Minnesota Department of Education~~ (MDE) makes a final determination of child maltreatment involving a teacher under Minnesota Statutes, section 260E.21, subdivision 4 or 260E.35, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under ~~Minnesota Statutes, section §~~ 13.41, Subdivision. 5, and must provide ~~the Minnesota Professional Educator Licensing and Standards Board (PELSB)~~ and the ~~licensing~~ division at MDE with the necessary and relevant information to enable ~~the Minnesota Professional Educator Licensing and Standards Board~~ PELSB and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under ~~Minnesota Statutes, section §~~ 123B.03, a school board or other school hiring authority must contact ~~the Minnesota Professional Educator Licensing and Standards Board~~ PELSB and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

## VI. MULTIPLE CLASSIFICATIONS

If data on individuals are classified as both private and confidential by ~~Minnesota Statutes Chapter~~ 13, or any other state or federal law, the data are private.

## VII. CHANGE IN CLASSIFICATIONS

The school district shall change the classification of data in its possession if it is required to do so to comply with ~~either~~ judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

## VIII. RESPONSIBLE AUTHORITY

The school district has designated [*name and title, telephone*] as the authority responsible for personnel data.

The responsible authority, or a school district employee if so designated, shall serve as the school district's data practices compliance official and, as such, shall be the employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.

~~If you have any questions, contact [him/her].~~

## IX. EMPLOYEE AUTHORIZATION/RELEASE FORM

An employee authorization form is included as an addendum to this policy.

- Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- Minn. Stat. § 13.02 (Definitions)
  - [Minn. Stat. § 13.03 \(Access to Government Data\)](#)
  - [Minn. Stat. § 13.05 \(Duties of Responsible Authority\)](#)
  - Minn. Stat. § 13.37 (General Nonpublic Data)
  - Minn. Stat. § 13.39 (Civil Investigation Data)
  - [Minn. Stat. § 13.41 \(Licensing Data – Public Data\)](#)
  - Minn. Stat. § 13.43 (Personnel Data)
  - Minn. Stat. § 13.601, ~~S~~subd. 3 (~~Elected and Appointed Officials~~[Applicants for Employment](#))
  - [Minn. Stat. § 15.0597 \(Appointment to Multimember Agencies\)](#)
  - Minn. Stat. § 122A.20, ~~S~~subd. 2 (Mandatory Reporting)
  - Minn. Stat. § 122A.40, ~~S~~subds. 13 and 16 (Employment; Contracts; Termination)
  - [Minn. Stat. § 123B.03 \(Background Check\)](#)
  - [Minn. Stat. § 123B.143, Ssubd. 2 \(Disclose Past Buyouts\)](#)
  - [Minn. Stat. Ch. 179 \(Minnesota Labor Relations Act\)](#)
  - [Minn. Stat. Ch. 179A \(Minnesota Public Labor Relations Act\)](#)
  - [Minn. Stat. § 253B.07;\(Judicial Commitment: Preliminary Procedures\)](#)
  - Minn. Stat. ~~Ch. § 260E. 626.556, Subd. 7~~ (Reporting of Maltreatment of Minors)
  - [Minn. Stat. Ch. 268 \(Unemployment Insurance\)](#)
  - [Minn. R. Pt. 1205 \(Data Practices\)](#)
  - P.L. 104-191 (HIPAA)
  - 45 C.F.R. Parts 160, [162](#) and 164 (HIPAA Regulations)
- Cross References:** MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)
- MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
- [MSBA/MASA Model Policy 722 \(Public Data Requests\)](#)
  - MSBA ~~Service Manual, Chapter 13, School~~ Law Bulletin “I” (School Records – Privacy – Access to Data)

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

MSBA/MASA Model Policy 416

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

Orig. 1995  
Rev. 2009 2015

## 416 DRUG AND ALCOHOL TESTING

***[Note: Drug and Alcohol Testing of school bus drivers and applicants is mandatory under federal law. The mandatory testing is described under Part III. of the policy. Testing of other employees or testing of school bus drivers beyond that mandated by federal law is optional but can be done under state law only if a policy containing provisions such as the provisions of Part IV. of this policy are adopted. To preserve the right to request or require school district employees who are not bus drivers and applicants to undergo 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 use in society in general, and the public schools in particular. The school board further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.
- B. The school board believes that a work environment free of drug and alcohol use will be not only safer, healthier, and more productive but also more conducive to effective learning. Therefore, to provide such an environment, the purpose of this policy is to provide authority so that the school board may require all employees and/or job applicants to submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in federal law and 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.

### **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, 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. "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.
8. "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.
9. "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.
10. "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.

11. "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.
12. "Screening Test Technician" (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
13. "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.
14. "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: The 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 C.F.R. § 382.601. Almost all of the required information is contained within this model policy. Additional materials to be provided to employees are described in Paragraph 2. of this 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 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 drug problem; and available methods of intervening when an alcohol or 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 has received a copy of these materials. 49 C.F.R. § 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 the 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 C.F.R. § 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 C.F.R. §§ 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 physician who 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 C.F.R. § 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

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.

H. Testing Requirements

1. Pre-Employment Testing

***[Note: 49 C.F.R. § 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: The 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 C.F.R. § 382.413 and 49 C.F.R. § 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.

2. Post-Accident Testing

***[Note: 49 C.F.R. § 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.

3. Random Testing

**[Note: 49 C.F.R. § 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) lowered the random alcohol selection and testing rate from 25% of the average number of driver positions to 10% in 1998 and evaluates this minimum percentage each year. School districts can elect to stay at 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 C.F.R. § 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 C.F.R. §§ 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.

***[Note: 49 C.F.R. §§ 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 C.F.R. §§ 40.191, 40.261, and 382.211. They are more specifically addressed in 49 C.F.R. §§ 382.501 - 382.507 and in 49 U.S.C. § 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

1. Drug Testing

***[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 C.F.R. § 40.45.]***

- 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 C.F.R. § 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 Minn. Stat. § 221.031, Subd. 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 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 C.F.R. §§ 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
Collection records	2 years
Negative and cancelled drug tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	indefinite

"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.

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 C.F.R. § 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 Minn. Stat. §§ 181.950-181.957. See Minn. Stat. § 221.031, Subd. 10. When testing beyond the federally mandated requirements, however, school districts still must comply with state law.]***

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

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

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

1. General Limitations

- a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory which participates in one of the programs 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. Random Testing

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

4. Reasonable Suspicion Testing

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

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

employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;

- c. has sustained a personal injury, as that term is defined in 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.

5. Treatment Program Testing

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

6. Routine Physical Examination Testing

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

B. No Legal Duty to Test

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

C. Definitions

- 1. "Drug" means a controlled substance as defined in Minnesota Statutes, including medical cannabis, regardless of enrollment in the state registry program.
- 2. "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" mean analysis of a body component sample according to the standards established under one of the programs 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. "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.
7. "Reasonable suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
8. "Safety-sensitive position" means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

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

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

Any employee or job applicant whose position does not require a commercial driver's license has the right to refuse drug and alcohol testing subject to the provisions contained in Paragraphs 2. and 3. of this Section 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 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.
- e 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 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 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 of other rights provided under Sections F. or G., below, whichever is applicable.

Attachments E and F 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.

~~6.7.~~ 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. § 152.22 \(Medical Cannabis; Definitions\)](#)  
[Minn. Stat. § 152.23 \(Medical Cannabis; Limitations\)](#)  
[Minn. Stat. § 152.32 \(Protections for Registry Program Participation\)](#)  
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. § 521(b) (Civil and Criminal Penalties for Violations)  
49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

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

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

MSBA/MASA Model Policy 420

Orig. 1995

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

Rev. 2008 2015

**420 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS**

***[Note: School districts are not required by statute to have a policy addressing these issues. However, Minn. Stat. § 121A.23 provides that school districts must have a program that incorporates the provisions contained in this policy.]***

**I. PURPOSE**

Public concern that students and staff of the school district be able to attend the schools of the district without becoming infected with serious communicable or infectious diseases, including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the school board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

**II. GENERAL STATEMENT OF POLICY**

A. Students

~~It is that~~The policy of the school board is that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school district. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school district in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees

~~It is that~~The policy of the school board is that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally, and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue

hardship to the school district.

C. Circumstances and Conditions

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties), and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.
2. The school board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions, or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

The school (title), along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular, and non-educational programs of the school district are subject to a requirement of equal access and comparable services.

F. Precautions

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration

any guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.)

G. Information Sharing

1. Employee and student health information shall be shared within the school district only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee and student health data shall be shared outside the school district only in accordance with state and federal law and with the school district's policies on employee and student records and data.

H. Reporting

If a medical condition of student or staff threatens public health, it must be reported to the Commissioner of Health.

I. Prevention

The school district shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 which includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parents and other community members;
6. in-service training for district staff and school board members;
7. collaboration with state agencies and organizations having a sexually

transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;

8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and
9. participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.
11. The school district may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources, including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.

J. Vaccination and Screening

The school district will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings in keeping with current state and federal law. The procedures shall provide that the Hepatitis B vaccination series be offered to all who have occupational exposure at no cost to the employee.

**Legal References:**

Minn. Stat. § 121A.23 (Health-Related Programs)  
Minn. Stat. § 144.441-442 (Tuberculosis)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)  
29 C.F.R. 1910.1030 (Occupational Exposure to Bloodborne Pathogens)  
*Kohl by Kohl v. Woodhaven Learning Center*, 865 F.2d 930 (8<sup>th</sup> Cir.), *cert. denied*, 493 U.S. 892, 110 S.Ct. 239 (1989)  
*School Board of Nassau County, Fla. v. Arline*, 480 U.S. 273, 107 S.Ct. 1123 (1987)  
16 EHLR 712, OCR Staff Memo, April 5, 1990

**Cross References:**

MSBA/MASA Model Policy 402 (Disability Nondiscrimination)  
MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

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

MSBA/MASA Model Policy 421

Orig. 1995

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

Rev. ~~2017~~ 2019

## **421 GIFTS TO EMPLOYEES AND SCHOOL BOARD MEMBERS**

### **I. PURPOSE**

The purpose of this policy is to avoid the appearance of impropriety or the appearance of a conflict of interest with respect to gifts given to school district employees and school board members.

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

- A. The school district recognizes that students, parents, and others may wish to show appreciation to school district employees. The policy of the school district, however, is to discourage gift-giving to employees and to encourage donors instead to write letters and notes of appreciation or to give small tokens of gratitude as memorabilia.
- B. A violation of this policy occurs when any employee solicits, accepts, or receives, either by direct or indirect means, a gift from a student, parent, or other individual or organization of greater than nominal value.
- C. A violation of this policy occurs when any employee solicits, accepts, or receives a gift from a person or entity doing business with or seeking to do business with the school district. Employees may accept items of insignificant value of a promotional or public relations nature or a plaque with a resale value of \$5 or less with an inscription recognizing an individual for an accomplishment. The superintendent has discretion to determine what value is "insignificant."
- D. Teachers may accept from publishers free samples of textbooks and related teaching materials.
- E. This policy applies only to gifts given to employees where the donor's relationship with the employee arises out of the employee's employment with the school district. It does not apply to gifts given to employees by personal friends, family members, other employees, or others unconnected to the employee's employment with the school district.
- F. An elected or appointed member of a school board, a school superintendent, a school principal, or a district school officer, including the school business official, may not accept a gift from an interested person.

### **III. DEFINITIONS**

- A. "Gift" means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment that is given without something of equal or greater value being received in return.
- B. "Interested person" means a person or a representative of a person or association that has a direct financial interest in a decision that a school board member, a superintendent, a school principal, or a district school officer is authorized to make.

C. "Financial interest" means any ownership or control in an asset which has the potential to produce a monetary return.

#### **IV. PROCEDURES**

Any employee considering the acceptance of a gift shall confer with the administration for guidance related to the interpretation and application of this policy.

#### **V. VIOLATIONS**

Employees who violate the provisions of this policy may be subject to discipline, which may include reprimand, suspension, and/or termination or discharge.

**Legal References:** Minn. Stat. § 10A.07 (Conflicts of Interest)  
Minn. Stat. § 10A.071 (Prohibition of Gifts)  
Minn. Stat. § 15.43 (Acceptance of Advantage by State Employee; Penalty)  
Minn. Stat. § 471.895 (Certain Gifts by Interested Persons Prohibited)

**Cross References:** MSBA/MASA Model Policy 209 (Code of Ethics)  
MSBA/MASA Model Policy 210 (Conflict of Interest – School Board Members)  
MSBA/MASA Model Policy 306 (Administrator Code of Ethics)

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

MSBA/MASA Model Policy 425

Orig. 2001

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

Rev. 201621

## 425 STAFF DEVELOPMENT AND MENTORING

*[Note: The provisions of this policy substantially reflect statutory requirements.]*

### I. PURPOSE

The purpose of this policy is to establish a staff development program and structure to carry out planning and reporting on staff development that supports improved student learning.

### II. ADVISORY STAFF DEVELOPMENT COMMITTEE AND SITE PROFESSIONAL DEVELOPMENT TEAMS

- A. The school board will establish an Advisory Staff Development Committee to develop a Staff Development Plan, assist Site Professional Development Teams in developing a site plan consistent with the goals of the Staff Development Plan, and evaluate staff development efforts at the site level.
1. The majority of the membership of the Advisory Staff Development Committee shall consist of teachers representing various grade levels, subject areas, and special education. The Committee also will include nonteaching staff, parents, and administrators.
  2. Members of the Advisory Staff Development Committee shall be appointed by the school board. Committee members shall serve a two-year term\* based upon nominations by board members, teachers, and paraprofessionals. The school board shall appoint replacement members of the Advisory Staff Development Committee as soon as possible following the resignation, death, serious illness, or removal of a member from the Committee.
- B. The school board will establish the Site Professional Development Teams.
1. Members of the Site Professional Development Teams will be appointed by the school board. Team members shall serve a two-year term\* based upon nominations by board members, teachers, and paraprofessionals. The school board shall appoint replacement members of the Site Professional Development Teams as soon as possible following the resignation, death, serious illness, or removal of a member from the Team.

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\* This time period may be changed to accommodate individual school district needs.

2. The majority of the Site Professional Development Teams shall be teachers representing various grade levels, subject areas, and special education.

### III. DUTIES OF THE ADVISORY STAFF DEVELOPMENT COMMITTEE

- A. The Advisory Staff Development Committee will develop a Staff Development Plan ~~which that~~ will be reviewed and subject to approval by the school board twice a year.\*
- B. The Staff Development Plan must contain the following elements:
  1. Staff development outcomes ~~which that~~ are consistent with the education outcomes as may be determined periodically by the school board;

*[Note: The board-determined education outcomes for your district could be inserted here.]*

2. The means to achieve the Staff Development outcomes;
3. The procedures for evaluating progress at each school site toward meeting educational outcomes consistent with relicensure requirements under ~~Minnesota Statutes, §section~~ 122A.187, ~~Subd. 4~~;
4. Ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:
  - a. Improve student achievement of state and local education standards in all areas of the curriculum, including areas of regular academic and applied and experiential learning, by using research-based best practices methods;
  - b. Effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, English learners, and gifted children, within the regular classroom, applied and experiential learning settings, and other settings;
  - c. Provide an inclusive curriculum for a racially, ethnically, linguistically, and culturally diverse student population that is consistent with state education diversity rule and the district's education diversity plan;
  - d. Improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district;

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\* This time period may be changed to accommodate individual school district needs.

- e. Effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution;
  - f. Effectively deliver digital and blended learning and curriculum and engage students with technology; and
  - g. Provide teachers and other members of site-based management teams with appropriate management and financial management skills.
5. The Staff Development Plan also must:
- a. Support stable and productive professional communities achieved through ongoing and schoolwide progress and growth in teaching practice;
  - b. Emphasize coaching, professional learning communities, classroom action research, and other job-embedded models;
  - c. Maintain a strong subject matter focus premised on students' learning goals consistent with Minnesota Statutes- §section 120B.125;
  - d. Ensure specialized preparation and learning about issues related to teaching English learners and students with special needs by focusing on long-term systemic efforts to improve educational services and opportunities and raise student achievement; and
  - e. Reinforce national and state standards of effective teaching practice.
6. Staff development activities must:
- a. Focus on the school classroom and research-based strategies that improve student learning;
  - b. Provide opportunities for teachers to practice and improve their instructional skills over time;
  - c. Provide opportunities for teachers to use student data as part of their daily work to increase student achievement;
  - d. Enhance teacher content knowledge and instructional skills, including to accommodate the delivery of digital and blended learning and curriculum and engage students with technology;

- e. Align with state and local academic standards;
  - f. Provide opportunities to build professional relationships, foster collaboration among principals and staff who provide instruction, and provide opportunities for teacher-to-teacher mentoring;
  - g. Align with the plan, if any, of the district or site for an alternative teacher professional pay system;
  - h. Provide teachers of English learners, including English as a second language, and content teachers with differentiated instructional strategies critical for ensuring students long-term academic success, the means to effectively use assessment data on the academic literacy, oral academic language, and English language development of English learners, and skills to support native and English language development across the curriculum; and
  - i. Provide opportunities for staff to learn about current workforce trends, the connections between workforce trends and postsecondary education, and training options, including career and technical education options.
- 7. Staff development activities may include curriculum development and curriculum training programs and activities that provide teachers and other members of site-based teams training to enhance team performance.
  - 8. The school district may implement other staff development activities required by law and activities associated with professional teacher compensation models.

***[Note: To the extent the school board offers K-12 teachers the opportunity for more staff development training under Minnesota Statutes, §section 122A.40, Subdivisions. 7 and 7a, or Minnesota Statutes, §section 122A.41, Subdivisions. 4 and 4a, such additional days of staff development should include peer mentoring, peer gathering, continuing education, professional development, or other training which enable teachers to achieve the staff development outcomes enumerated above in Section III.B.4.]***

- C. The Advisory Staff Development Committee will assist Site Professional Development Teams in developing a site plan consistent with the goals and outcomes of the Staff Development Plan.
- D. The Advisory Staff Development Committee will evaluate staff development efforts at the site level and will report to the school board on a quarterly basis\* the

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\* This time period may be changed to accommodate individual school district needs.

extent to which staff at the site have met the outcomes of the Staff Development Plan.

E. In addition to developing a Staff Development Plan, the Staff Development Advisory Committee also must develop teacher mentoring programs for teachers new to the profession or school district, including teaching residents, teachers of color, teachers who are American Indian, teachers in license shortage areas, teachers with special needs, or experienced teachers in need of peer coaching. Teacher mentoring programs must be included in or aligned with the school district's teacher evaluation and peer review processes under Minnesota Statutes, sections 122A.40, subdivision 8 or 122A.41, subdivision 5.

EF. The Advisory Staff Development Committee shall assist the school district in preparing any reports required by the Department of Education relating to staff development or teacher mentoring including, but not limited to, the reports referenced in Section VII. below.

#### **IV. DUTIES OF THE SITE PROFESSIONAL DEVELOPMENT TEAM**

- A. Each Site Professional Development Team shall develop a site plan, consistent with the goals of the Staff Development Plan. The school board will review the site plans for consistency with the Staff Development Plan twice a year.\*
- B. The Site Professional Development Team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the Staff Development Plan. The actual reports to the school board can be made by the Advisory Staff Development Committee to avoid duplication of effort.
- C. If the school board determines that staff development outcomes are not being met, it may withhold a portion of the initial allocation of revenue referenced in Section V. below.

#### **V. STAFF DEVELOPMENT FUNDING**

- A. Unless the school district is in statutory operating debt or a majority of the school board and a majority of its licensed teachers annually vote to waive the requirement to reserve basic revenue for staff development, the school district will reserve an amount equal to at least two percent of its basic revenue for: (1) teacher development and evaluation under Minnesota Statutes, section 122A.40, ~~Ssubdivision~~ 8 or 122A.41, ~~Ssubdivision~~ 5; (2) principal development and evaluation under section 123B.147, ~~Ssubdivision~~ 3; (3) professional development under section 122A.60; ~~and~~ (4) in-service education for programs under section 120B.22, ~~Ssubdivision~~ 2; and (5) teacher mentorship under section 122A.70, ~~subdivision 1, violence prevention programs to help students learn how to resolve conflicts within their families and communities in non-violent, effective ways; staff development plans; curriculum development and programs; other in-service~~

~~education; teachers' workshops; teacher conferences; the cost of substitute teachers for staff development purposes; preservice and in-service education for special education professionals and paraprofessionals; and other related costs for staff development efforts. To the extent extra funds remain, staff development revenue may be used for development plans, including plans for challenging instructional activities and experiences under section 122A.60, and for curriculum development and programs, other in-service education, teacher's workshops, teacher conferences, the cost of substitute teachers for staff development purposes, preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts.~~ The school district also may use the revenue reserved for staff development for grants to the school district's teachers to pay for coursework and training leading to certification as either a college in the schools teacher or a concurrent enrollment teacher. ~~In order to~~ To receive a grant, the teacher must be enrolled in a program that includes coursework and training focused on teaching a core subject.

- B. The school district may, in its discretion, expend an additional amount of unreserved revenue for staff development based on its needs.
- C. Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and instructional skills, such as preparing report cards, calculating grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under Minnesota Statutes, §section 122A.61.
- D. The school district may use staff development revenue, special grant programs established by the legislature, or another funding source to pay a stipend to a mentor who may be a current or former teacher who has taught at least three (3) years and is not on an improvement plan. Other initiatives using such funds, or funds available under Minnesota Statutes, sections 124D.861 and 124D.862, may include:
  - 1. additional stipends as incentives to mentors of color or who are American Indian;
  - 2. financial supports for professional learning community affinity groups across schools within and between districts for teachers from underrepresented racial and ethnic groups to come together throughout the school year;
  - 3. programs for induction aligned with the school district or school mentorship program during the first three (3) years of teaching, especially for teachers from underrepresented racial and ethnic groups; or
  - 4. grants supporting licensed and nonlicensed educator participation in professional development, such as workshops and graduate courses, related

to increasing student achievement for students of color and American Indian students in order to close opportunity and achievement gaps.

To the extent the school district receives a grant for any of the above purposes, it will negotiate additional retention strategies or protection from unrequested leave of absences in the beginning years of employment for teachers of color and teachers who are American Indian. Retention strategies may include providing financial incentives for teachers of color and teachers who are American Indian to work in the school or district for at least five (5) years and placing American Indian educators at sites with other American Indian educators and educators of color at sites with other educators of color to reduce isolation and increase opportunity for collegial support.

## **VI. PROCEDURE FOR USE OF STAFF DEVELOPMENT FUNDS**

- A. On a yearly\* basis, the Advisory Staff Development Committee, with the assistance of the Site Professional Development Teams, shall prepare a projected budget setting forth proposals for allocating staff development and mentoring funds reserved for each school site. Such budgets shall include, but not be limited to, projections as to the cost of building site training programs, costs of individual staff seminars, and cost of substitutes.
- B. Upon approval of the budget by the school board, the Advisory Committee shall be responsible for monitoring the use of such funds in accordance with the Staff Development Plan and budget. The requested use of staff development funds must meet or make progress toward the goals and objectives of the Staff Development Plan. All costs/expenditures will be reviewed by the school board and/or superintendent for consistency with the Staff Development Plan on a quarterly basis.\*
- C. Individual requests from staff for leave to attend staff development activities shall be submitted and reviewed according to school district policy, staff procedures, contractual agreement, and the effect on school district operations. Failure to timely submit such requests may be cause for denial of the request.

## **VII. REPORTING**

- A. The school district and site staff development committee shall prepare a report of the previous fiscal year's staff development activities and expenditures as part of the school district's world's best workforce report.
  - 1. The report must include assessment and evaluation data indicating progress

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\* This time period may be changed to accommodate individual school district needs.

toward district and site staff development goals based on teaching and learning outcomes, including the percentage of teachers and other staff involved in instruction who participate in effective staff development activities.

2. The report will provide a breakdown of expenditures for:
  - a. Curriculum development and curriculum training programs;
  - b. Staff development training models, workshops, and conferences; and
  - c. The cost of releasing teachers or providing substitute teachers for staff development purposes.

The report also must indicate whether the expenditures were incurred at the district level or the school site level and whether the school site expenditures were made possible by the grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures must be reported using the uniform financial and accounting and reporting standards (UFARS).

**B.3** The report will be signed by the superintendent and staff development chair.

**B.** To the extent the school district receives a grant for mentorship activities described in Section V.D., by June 30 of each year after receiving a grant, the site staff development committee must submit a report to the Professional Educator Licensing and Standards Board on program efforts that describes mentoring and induction activities and assesses the impact of these programs on teacher effectiveness and retention.

**Legal References:** Minn. Stat. § 120A.41 (Length of School Year; Days of Instruction)  
Minn. Stat. § 120A.415 (Extended School Calendar)  
Minn. Stat. § 120B.125 (Planning for Students’ Successful Transition to Postsecondary Education and Employment; Personal Learning Plans)  
Minn. Stat. § 120B.22, ~~S~~subd. 2 (Violence Prevention Education)  
Minn. Stat. § 122A.187, ~~Subd. 4~~ (Board to Issue Licenses; Expiration and Renewal)  
Minn. Stat. § 122A.40, ~~S~~subds. 7, ~~and~~ 7a and 8 (Employment; Contracts; Termination - Additional Staff Development and Salary)  
Minn. Stat. § 122A.41, ~~S~~subds. 4, ~~and~~ 4a and 5 (Teacher Tenure Act; Cities of the First Class; Definitions - Additional Staff Development and Salary)  
Minn. Stat. § 122A.60 (Staff Development Program)  
[Minn. Stat. § 122A.70 \(Teacher Mentorship and Retention of Effective Teachers\)](#)  
Minn. Stat. § 122A.61 (Reserved Revenue for Staff Development)  
[Minn. Stat. § 123B.147, subd. 3 \(Principals\)](#)

[Minn. Stat. § 124D.861 \(Achievement and Integration for Minnesota\)](#)  
[Minn. Stat. § 124D.862 \(Achievement and Integration Revenue\)](#)  
Minn. Stat. § 126C.10, ~~S~~subds. 2 and 2b (General Education Revenue)  
Minn. Stat. § 126C.13, ~~S~~subd. 5 (General Education Levy and Aid)

*Cross References:* [None.](#)

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

MSBA/MASA Model Policy 501

Orig. 1995

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

Rev. 20142021

## **501 SCHOOL WEAPONS POLICY**

*[Note: School districts are required by statute to have a policy addressing these issues. ATTENTION: This policy incorporates certain provisions of the Minnesota Citizens' Personal Protection Act (often referred to as the "conceal and carry" law).]*

### **I. PURPOSE**

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

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

No student or nonstudent, including adults and visitors, shall possess, use, or distribute a weapon when in a school location except as provided in this policy. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

### **III. DEFINITIONS**

#### **A. "Weapon"**

1. A "weapon" means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; throwing stars; explosives; fireworks; mace and other propellants; stunguns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
2. No person shall possess, use, or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
3. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

- B. “School Location” includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school district.
- C. “Possession” means having a weapon on one’s person or in an area subject to one’s control in a school location.
- D. “Dangerous Weapon” means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. As used in this definition, "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.

#### IV. EXCEPTIONS

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal’s office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal’s office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon’s location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
  - 1. active licensed peace officers;
  - 2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
  - 3. persons authorized to carry a pistol under ~~Minnesota Statutes, §section~~ 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
  - 4. persons who keep or store in a motor vehicle pistols in accordance with ~~Minnesota Statutes, §§sections~~ 624.714 or 624.715 or other firearms in accordance with Minnesota Statutes, section 97B.045;

- a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for “antique firearms which are carried or possessed as curiosities or for their historical significance or value.”
  - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with §§Sections 624.714 and 624.715.
5. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
  6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
  7. a gun or knife show held on school property;
  8. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
  9. persons who are on unimproved property owned or leased by a child care center, school or school district unless the person knows that a student is currently present on the land for a school-related activity.

***[Note: Nothing prevents a school district from being more stringent in its weapons policy with respect to students and school district employees than the criminal law, except that the school district may not prohibit the lawful carry or possession of firearms in a parking facility or parking area. Although some school districts may choose to incorporate all of the exceptions to the criminal law, other school districts may choose either not to incorporate some or all of the exceptions or to further limit them. For example, a school district may choose to require written permission from the superintendent, not just a principal, for someone to possess a dangerous weapon in a school location. This would impose a more stringent requirement than the exceptions to the general prohibition of having a weapon on school grounds set forth in (7) to Minnesota Statutes, Section 609.66, Subdivision 1d (f) listed in Section IV.B. above. However, a school district may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with Minnesota Statutes, Section 609.66, Subdivision 1d.]***

C. Policy Application to Instructional Equipment/Tools

While the school district does not allow the possession, use, or distribution of weapons by students or nonstudents, such a position is not meant to interfere with

instruction or the use of appropriate equipment and tools by students or nonstudents. Such equipment and tools, when properly possessed, used, and stored, shall not be considered in violation of the rule against the possession, use, or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

D. Firearms in School Parking Lots and Parking Facilities

A school district may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the “lawful” carry or possession of a firearm in a school parking lot or parking facility is specifically limited to nonstudent permit-holders authorized under Minnesota Statutes, §section 624.714 to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder’s vehicle shall constitute a violation of this policy.

V. **CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/DISTRIBUTION**

A. The school district does not allow the possession, use, or distribution of weapons by students. Consequently, the minimum consequence for students willfully possessing, using, or distributing weapons shall include:

1. immediate out-of-school suspension;
2. confiscation of the weapon;
3. immediate notification of police;
4. parent or guardian notification; and
5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.

B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.

C. ~~The appropriate school official building principal shall, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a pupil student who brings a firearm to school unlawfully.~~

CD. Administrative Discretion

While the school district does not allow the possession, use, or distribution of

weapons by students, the superintendent may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

## **VI. CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION BY NONSTUDENTS**

### **A. Employees**

1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the school board.
2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.
3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

*[Note: An employer may establish policies that restrict the carry or possession of firearms by its employees while acting in the course and scope of employment. Employment-related sanctions may be invoked for a violation. Thus, for example, reasonable limitations may be imposed on the method of storing firearms by permit-holding employees while at work or performing employment-related duties. Reasonable limitations may include requiring firearms to have trigger locks and to be stored in a locked container or locked compartment of the vehicle.]*

### **B. Other Nonstudents**

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

## **VII. REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES**

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

**Legal References:** Minn. Stat. § 97B.045 (Transportation of Firearms)

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

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

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

MSBA/MASA Model Policy 507

Orig. 1995

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

Rev. 2001~~21~~

## 507 CORPORAL PUNISHMENT

*[Note: The provisions of this policy substantially reflect statutory requirements.]*

### I. PURPOSE

The purpose of this policy is to describe limitations on corporal punishment of students.

### II. GENERAL STATEMENT OF POLICY

No employee or agent of the school district or charter school shall cause corporal punishment to be inflicted upon a student to reform unacceptable conduct or as a penalty for unacceptable conduct. As used in this policy, the term “corporal punishment” means conduct involving hitting or spanking a person with or without an object, or unreasonable physical force that causes bodily harm or substantial emotional harm.

### III. EXCEPTIONS

A teacher or school principal may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another. Other school district employees, school bus drivers, or other agents of a school district may use reasonable force when necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

### IV. VIOLATION

Employees who violate the provisions of this policy shall be subject to disciplinary action as appropriate. Any such disciplinary action shall be made pursuant to and in accordance with applicable statutory authority, collective bargaining agreements and school district policies. Violation of this policy may also result in civil or criminal liability for the employee.

**Legal References:** Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 123B.25 (Actions Against Districts and Teachers)  
Minn. Stat. § 609.06 Subd. 1 (6)(7) (Authorized Use of Force)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
[MSBA/MASA Model Policy 414 \(Mandated Reporting of Child Neglect or Physical or Sexual Abuse\)](#)  
[MSBA/MASA Model Policy 415 \(Mandated Reporting of Maltreatment of](#)

| Vulnerable Adults)

MSBA/MASA Model Policy 506 (Student Discipline)

**JOB TITLE:** Nursing  
**REPORTS TO:** Superintendent with input from Principals

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**JOB QUALIFICATIONS:**

Bachelor's degree in nursing, registered in Minnesota to practice as a registered nurse (RN) under the Board of Nursing, currently registered in Minnesota or working towards public health nurse under the Board of Nursing, possess or working toward a valid Minnesota Department of Education school nurse license.

**JOB GOALS/OBJECTIVES:**

**School Nurse**, to serve in a full time capacity. The primary purpose of the school nurse will be to oversee the provision of health services to students and staff in a safe and effective manner.

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**PERFORMANCE RESPONSIBILITIES:**

- Oversee provision of first aid and emergency care for students and staff including providing first aid instruction to staff.
  - Supervise the administration of medication and other treatments to be provided in the school setting in accordance with school medication policy.
  - Oversee vision, hearing and scoliosis screenings as recommended by the Minnesota Department of Health.
  - Oversee the creation and maintenance of all student health records on all students enrolled in the District.
  - Annually facilitate District and State required health forms and reporting including annual immunization and disease outbreak reports to the Minnesota Department of Education.
  - Facilitate and communicate care plans with parents and staff as appropriate.
  - Provide confidential health counseling to students and staff.
  - Perform other duties as assigned.
- 

**Equipment Used.**

- Computer and related hardware and software.
- AV equipment
- Medical equipment
- Telephone

**WORKING CONDITIONS/PHYSICAL DEMANDS:**

- Forced air conditioned and heat work area.
- Some extreme travel conditions.
- Work long days with numerous evening meetings.
- Travel occasionally locally and statewide.
- Tobacco, Drug & Alcohol-free environment

**CLEARANCE:**

Background check

**TERMS OF EMPLOYMENT:**

Employee contracts are as per District Policy with wages and fringe benefits to be set by the Board of Trustees.

**EVALUATION:**

Performance of this job will be evaluated in accordance with provisions of the Board's policy on Evaluation of Certified Personnel.

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The intent of this job description is to provide a representative summary of the types of duties and responsibilities that will be required of the positions given this title and shall not be construed as a declaration of the specific duties and responsibilities of any particular position. Employees may be requested to perform job-related tasks other than those specifically presented in this description. Fair Labor Standards Act (exempt/nonexempt) is designated by position. Le Sueur- Henderson School District 2397 actively supports the Americans with Disability Act and will consider reasonable accommodations.

**STATEMENT OF NON-DISCRIMINATION**

The Le Sueur-Henderson School District does not discriminate on the basis of race, color, national origin, sex, disability, sexual orientation, creed, religion, receipt of public assistance, marital status or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies:

**INDEPENDENT SCHOOL DISTRICT 2397  
LE SUEUR-HENDERSON PUBLIC SCHOOLS**

**SCHEDULED MEETINGS/ACTIVITIES**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>TIME</b>	<b>LOCATION</b>
December 6, 2021	Truth In Taxation Meeting	6:30 PM	MS/HS Media Center
December 6, 2021	Regular School Board Meeting/Levy Adoption	Following	MS/HS Media Center
December 14, 2021	Negotiations Committee Meeting (LSHEA)	4:00 PM	District Conference Room
December 20, 2021	Special School Board Meeting	6:30 PM	MS/HS Media Center
December 20, 2021	School Board Work Session	Following	MS/HS Media Center
January 3, 2022	Organizational School Board Meeting	6:30 PM	MS/HS Media Center
January 3, 2022	Regular School Board Meeting	Following	MS/HS Media Center

*In case of a weather emergency/school closing, Board meeting will be held the next Tuesday at the same time/place.*