

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138  
 NORTH BRANCH AREA MIDDLE SCHOOL, MEDIA CENTER  
 38705 GRAND AVENUE  
 NORTH BRANCH, MN 55056  
 REGULAR SCHOOL BOARD MEETING  
 JANUARY 14, 2021  
 5:45 PM**

**AGENDA**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. School Board Recognition 4
- V. Superintendent's Report 9
- VI. Removal of Consent Items for Discussion
- VII. Approval of Consent Items
  - A. Minutes of December 10, 2020 Regular Meeting 19
  - B. Authorization of Payments, Transfers, and Investment Activity 26
  - C. Personnel
    - 1. Ramona McAllister, retirement effective January 8, 2021, as SPED Assistant at North Branch Area Education Center
    - 2. Sandra Husnik, retirement effective May 28, 2021, as Office Clerk for Community Education/District Office at North Branch Area Public Schools
    - 3. Kendall Norman, resignation effective December 11, 2020, as SPED Assistant at North Branch Area Middle School and Indian Education Liaison at North Branch Area Public Schools
    - 4. Carmen Money, leave request effective January 4, 2021 through January 14, 2021, as Early Childhood Assistant at North Branch Area Education Center
    - 5. Lorie Petrik, leave request effective January 4, 2021 through the end of the 2020-21 school year, as Community Education Early Childhood Instructor at North Branch Area Education Center
    - 6. Stephanie Pribyl, leave request effective January 6, 2021 through January 18, 2021, as SPED Assistant at North Branch Area High School
    - 7. Nicollete DeVall, leave request effective March 8, 2021 through the end of the 2020-21 school year, as Community Education Early Childhood Instructor at North Branch Area Education Center
    - 8. Kelly Johnson, leave request effective May 6, 2021 through the end of the 2020-21 school year, as Second Grade Teacher at Sunrise River Elementary School
    - 9. John Barrett, employment effective January 4, 2021, as JROTC Instructor at North Branch Area High School
    - 10. Alexandra Graves, temporary assignment ended January 8, 2021, as JROTC Assistant at North Branch Area High School
    - 11. 2020-21 Extra Curricular Winter Coach Positions

- a. Alex Kuhlman, Class 1, Step 5, as Head Coach for Boys Basketball
- b. Shane Ray, Class 3, Step 2, as Assistant Coach for Boys Basketball
- c. Ryan Minke, Class 3, Step 7, as Assistant Coach for Boys Basketball
- d. Tom Terhaar, Class 3, Step 1, as Assistant Coach for Boys Basketball
- e. Alison Trampe, Class 1, Step 3, as Head Coach for Girls Basketball
- f. Jessica Audette, Class 3, Step 3, as Assistant Coach for Girls Basketball
- g. Mikayla Carlson, Class 3, Step 2, as Assistant Coach for Girls Basketball
- h. Mikayla Johnson, Class 2, Step 1, as Head Coach for Gymnastics
- i. Norm Nagel, Class 4, Step 1, as Assistant Coach for Gymnastics
- j. Jim Hoard, Class 1, Step 9, as Head Coach for Wrestling
- k. Kyle Kahl, Class 3, Step 7, as Assistant Coach for Wrestling
- l. Jacob Mars, Class 1, Step 1, as Head Coach for Boys Hockey
- m. Adam Gronlund, Class 3, Step 1, as Assistant Coach for Boys Hockey
- n. Jacob LeVassuer, Class 3, Step 1, as Assistant Coach for Boys Hockey
- o. Fred Zappa, Class 3, Step 1, as Assistant Coach for Boys Hockey
- p. Kathy Crudo, Class 6, Step 2, as Coach for Middle School Girls Basketball
- q. Jim VanEerden, Class 6, Step 10, as Coach for Middle School Girls Basketball
- r. Jim VanEerden, Class 6, Step 10, as Coach for Middle School Boys Basketball

12. 2020-21 Activity Advisor Positions

- a. Brittany Ahner, Class 6, Step 5, as Assistant Coach for Speech

D. Acceptance of Donations

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Minnesota Statute 123B.02 permits school boards to "...receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated. In that behalf, the board may act as trustee of any trust created for the benefit of the district, and for the benefit of pupils thereof."

Therefore, the Superintendent recommends the following resolution:

BE IT RESOLVED by the School Board of Independent School District No. 138 that the School Board accept with appreciation the following contributions and permit their use as designated by the donors.

VIII. **Open Mic:** Open mic is a time for public comment. However, it is not a means to have issues added to this evening's agenda. It is also not a means to discuss specific individuals negatively in public, either by name or position. If you would like district follow up to comments, please leave appropriate contact information on the open mic sign-in sheet. Please limit your comments to three minutes.

IX. Old Business

X. New Business

A. Ratify Contract Between the North Branch Support Staff Association and North Branch Independent School District Effective July 1, 2020 through June 30, 2022

B. Consider Approval of the Pay Equity Report

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C. Consider First Reading of Policy 522 - Title IX Sex Nondiscrimination Policy, Grievance Procedure<sup>2</sup> and Process

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	D. Consider Resignation of School Board Member Kirby Ekstrom	57
XI.	Addendum	
XII.	Information	
	A. Board & Administrator January 2021 Issue	59
XIII.	Board Requests	
XIV.	Committee Reports	
	A. SEE (Schools for Equity in Education)	
	B. Negotiations	
	C. MSBA Update or Report	
	D. MSHSL	
	E. SCRED Report	
	F. Staff Development Report	
	G. Community Education Advisory Committee Report	
	H. Policy Committee Report	
XV.	Dates to Remember	
	A. Thursday, January 28, 2021, Work Session, 5:30 pm, North Branch Area Middle School, Media Center	
	B. Thursday, February 11, 2021, Regular School Board Meeting, 5:30 pm, North Branch Area Middle School, Media Center	
	C. Thursday, February 25, 2021, Work Session, 5:30 pm, North Branch Area Middle School, Media Center	
XVI.	Adjournment	
XVII.	Wednesday, April 7, 2021, Negotiations Committee Meeting, 4:00 pm, North Branch Area Education Center	

# Student Recognitions

- Coach season summaries online at [NBAPS website](#)



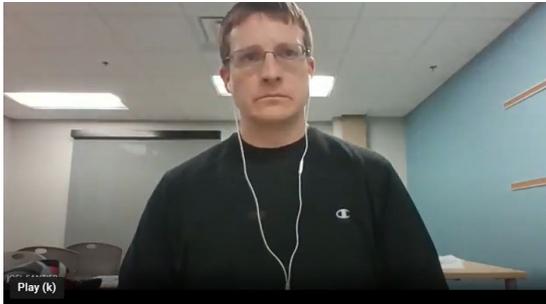
Girls Soccer Coach Josh Kopp



Football Coach Justin Voss



Volleyball Coach Mike Selbitschka



Girls Tennis Coach Joel Santjer



Boys Soccer Coach Jake Borash



Cross Country coach Norm Nagel

First Name	Last Name	Sport	All Conference	AC Honorable Mention	Academic AC	All State
Paul	Boelk	Boys Cross Country			AAC	
Zachary	Johnson	Boys Cross Country			AAC	
Dylan	Beaver	Boys Soccer			AAC	
Tanner	Bollman	Boys Soccer	AC		AAC	
Nickolas	Bovitz	Boys Soccer		ACHM		
Garrett	Korkowski	Boys Soccer			AAC	
Aaron	Maroschek	Boys Soccer			AAC	
Justin	Ramos	Boys Soccer		ACHM	AAC	
Austin	Richter	Boys Soccer	AC			
Noah	Schwartzrock	Boys Soccer	AC			
Kobe	Yang	Boys Soccer			AAC	
Cora	Hudella	Girls Cross Country			AAC	
Norah	Judson	Girls Cross Country			AAC	
Laura	Anderson	Girls Soccer	AC			

Paige	Bauer	Girls Soccer		ACHM	AAC	
Lilly	Johnson	Girls Soccer	AC			
Paris	Kopp	Girls Soccer		ACHM		
Sylvia	Linkert	Girls Soccer		ACHM		
Isabel	Linnerooth	Girls Soccer			AAC	
Hailey	Maurer	Girls Soccer			AAC	
Emmie	Meyer	Girls Soccer	AC			
Abigail	Randall	Girls Soccer			AAC	
Leah	Romo	Girls Soccer			AAC	
Hailey	Bistodeau	Girls Tennis		ACHM		
Sophia	Helinsky	Girls Tennis			AAC	
Justine	Joyal	Girls Tennis			AAC	
Chloe	Moline	Girls Tennis	AC			
Hollie	Ohnsorg	Girls Tennis	AC			
Brooke	Rothe	Girls Tennis			AAC	
Sophia	Smith	Girls Tennis	AC			
Miaya	Volkman	Girls Tennis		ACHM	AAC	

Rachel	Wurdemann	Girls Tennis		ACHM	AAC	
Gavyn	Jensen-Schneider	Football	AD		AAD	
Austin	Kane	Football			AAD	
Caden	Kantorowicz	Football			AAD	
Ashton	Labelle	Football	AD			
Logan	Murphy	Football			AAD	
Caleb	Norwig	Football	AD			
Nathan	Skiba	Football		ADHM		
Andrew	Thauwald	Football		ADHM	AAD	
Alexander	Webster	Football		ADHM	AAD	
Lindsey	Bunes	Volleyball	AC		AAC	
Chloe	Fortuna	Volleyball			AAC	
Maddie	Helin	Volleyball		ACHM	AAC	
Lauren	Hicks	Volleyball			AAC	
Reagan	Irons	Volleyball		ACHM	AAC	
Isabell	Esget	Volleyball			AAC	

Lydia	Kuhlman	Volleyball			AAC	
Paige	Peaslee	Volleyball	AC		AAC	
Rylee	Ramberg	Volleyball			AAC	
Paige	Sheehan	Volleyball	AC			

# Superintendent Update



Better Together  
January 14, 2021

# NBAPS Goals



## *Prepare all learners for success in school and in life.*

- **Flexibility and choice** for families to decide what is best for each child: distance learning or 5-day, in-school option
- Value **safety** and place a priority on the **health and wellness** of **students and staff**

## *Raise accountability for all staff and programs*

- Establish **mutual commitments** for procedures/protocols to mitigate risk
- Provide **predictability** of daily schedule, instructional model and learning environments<sup>10</sup>

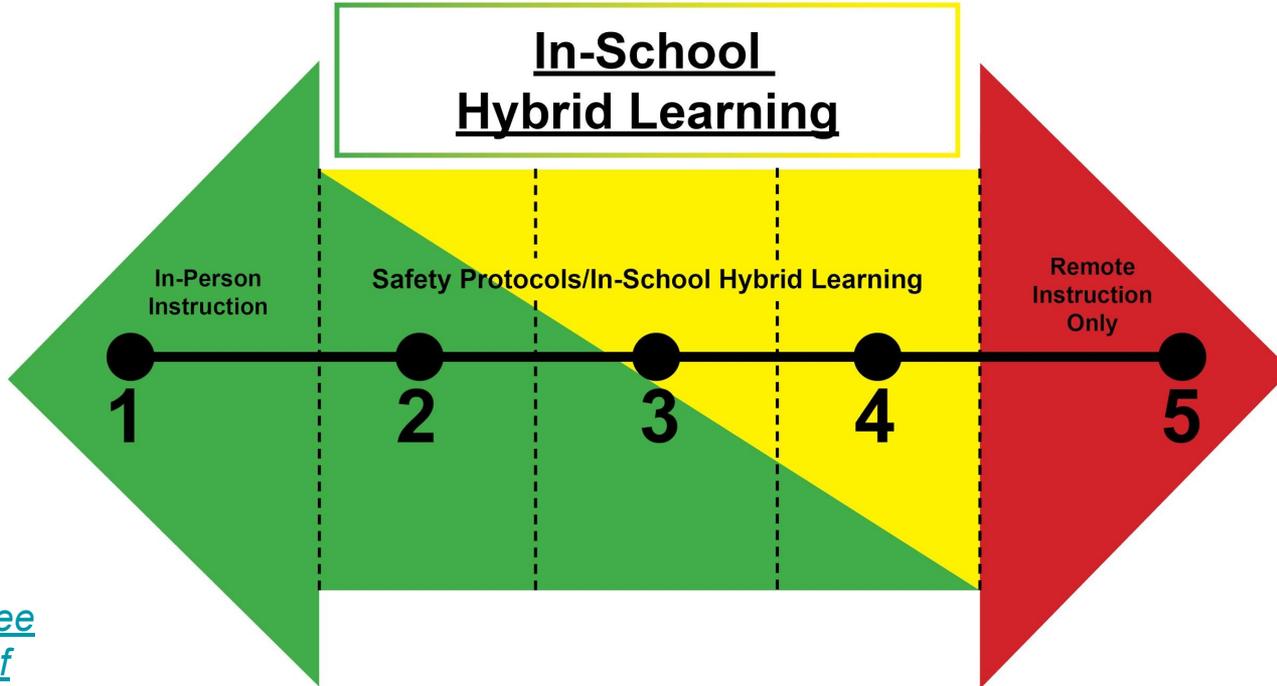
## *Increase community engagement*

- Include students, families, and staff members in a **responsive, adaptable,** and **ongoing** planning process

## *Commit resources to district priorities*

- Share the responsibility to **maximize resources**

# Flexible Learning Continuum



[Click here to see a description of each level.](#)

**Distance Learning Academy is an option available for students grades K-12**



# Return to Learn on January 19

## Safe Learning Levels

- K-1      Level 2
- 2-5      Level 2
- 6-8      Level 3
- 9-12    Level 4
  
- Distance Learning Academy

# It takes a team



- COVID Response Leadership- Jody, Abby, Kristen, Pat, Sara
- Student and Parent input- Thoughtexchange - Pat
- Critical Workers- School Age Childcare - Joan, Erica, Matt
- Access to Meals - Todd
- Internet and Device Access - Darin
- Transportation - Todd
- Facilities Access and Community Rentals- Art and Matt
- Activities and Athletics- Andrea
- Habitual Truancy-David
- Attendance and Grading-David
- Asynchronous and Synchronous Learning Opportunities-David
- Needs of multilingual families and American Indian Students-Reid, David
- Student Mental Health Supports- All
- Special Education Services- Jen and Principals
- Targeted Services- David, Kelly, Lori
- Staff Support- Todd, Jen, Principals
- Professional Learning-David and Coaches



# Sharing our Experience; Learning with Others

## National Association of School Business Officials Panel Presentations

*Art Tobin: School's In Session: Safe Cleaning in a COVID-19 Climate*

*Nominated to serve on National Board*

*Sara Paul: Sports and Co-curricular Activities: Support for the Social Emotional Wellness of Students*

*Sara Paul: Lessons Learned End Of Year Roundtable*



## Upcoming Presentation at Minnesota School Board Association Conference

*Kirby Ekstrom, Sara Paul, Pat Tepoorten:*

*Strategic Communication and Use of Space*

*in a time of COVID*



# Health Best Practices in Instructional Settings

11/18/20 Staff Reflection Survey based on MDE Informed Decision making Tracker and Guide

## What's working?

- Mask mandate being followed
- Intentional use of space and student grouping to ensure social distancing
- Shortened school days
- District investment in ventilation systems
- Seating charts in place across the system

## Adjustments

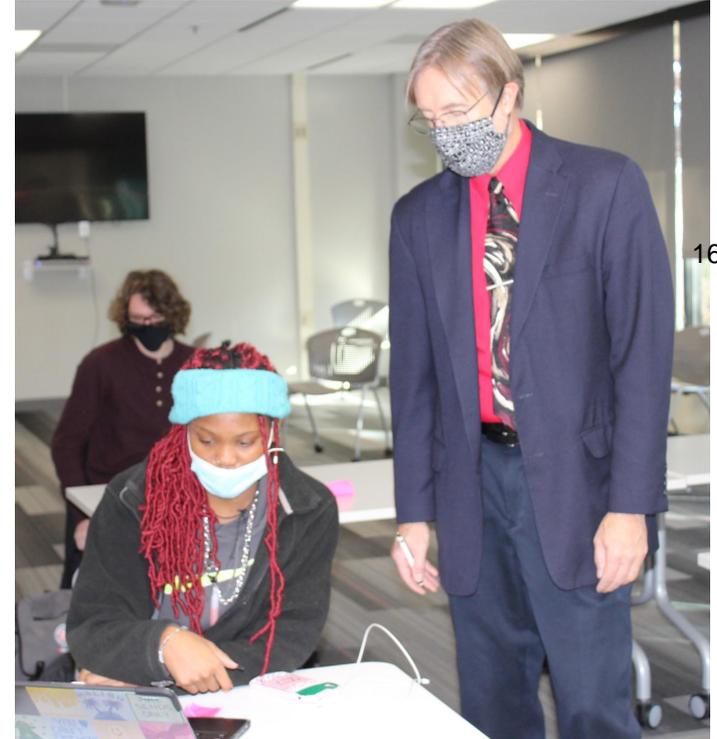
- ✓ New transportation guidelines
- ✓ More masks for younger learners
- ✓ Shields for staff (optional)
- ✓ Continued vigilance for handwashing



# Instructional Preparedness

## Access to Technology

- Partnership with the City of North Branch has positioned us to improved access, but quality internet access remains a concern
- Families have been identified to participate in pilot program





# Instructional Preparedness

## **Viking Support Stars**

- Virtual Information Sessions
- Support through application process
- 1/14 Training Session

## **Professional Development Day**

- 1/15
- Designed to address building level priorities





Questions?

**NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138  
REGULAR SCHOOL BOARD MEETING  
NORTH BRANCH AREA MIDDLE SCHOOL, MEDIA CENTER  
DECEMBER 10, 2020**

The School Board of Independent School District 138 met in regular session on Thursday, December 10, 2020, at 5:30 p.m. at the North Branch Area Middle School Media Center.

Board Chair Ekstrom called the meeting to order.

Roll Call: Kirby Ekstrom, Tim MacMillan (via remote access), Sarah Grovender, Kevin Bollman, Heather Osagiede (via remote access), Tanya Giese, and Superintendent Paul

Others in Attendance:

Bill Stickels III, Rachel Kytönen, Denise Martin, David Treichel, Todd Tetzlaff, and Pat Tepoorten

The Pledge of Allegiance was said by all.

Approval of Agenda:

Moved by Bollman, seconded by Grovender to approve the agenda.

Voting for: Ekstrom, MacMillan, Grovender, Bollman, Osagiede, Giese

Voting against: None

Motion carried.

**SUPERINTENDENT'S REPORT**

Superintendent Paul reported on COVID and the NBAPS response. She reported that remote learning started on Monday, November 30 and the target return date for in-person instruction is Tuesday, January 19. This is 26 remote instructional days.

Superintendent Paul explained the Vikings Support Stars program. As NBAPS begins preparing for students' return in mid-January, it is imperative we have enough subs on call to prevent sudden and unforeseen changes to the learning model due to staffing issues. NBAPS is seeking members of the community who may be willing to serve as staff substitutes (both teacher and support staff) during the remainder of this school year to ensure continuity of service. So far, 12 people have started the process to be Viking Support Stars!

She also talked about the state busing guidance. So far, 168 students have had to be removed from the educational setting because of the busing guidance. This represents about 1,700 missed school days. Not one impacted rider tested positive for COVID.

Superintendent Paul discussed the process of the high school redesign.

Board Member MacMillan requested an agenda item be added to the consent agenda. Moved by MacMillan, seconded by Bollman to add the hockey rink agreement to the consent agenda.

Voting for: Ekstrom, MacMillan, Grovender, Bollman, Osagiede, Giese

Voting against: None

Motion carried.

### **CONSENT ITEMS**

Moved by Grovender, seconded by Bollman to approve the following consent items.

Voting for: Ekstrom, MacMillan, Grovender, Bollman, Osagiede, Giese

Voting against: None

Motion carried.

A. Minutes of November 12, 2020 Work Session

B. Minutes of November 12, 2020 Regular School Board Meeting

C. Minutes of November 25, 2020 Work Session

D. Authorization of Payments, Transfers, and Investment Activity

- Accounts Payable, Bank 07 – \$1,821,750.73
- Auxiliary, Bank 12 - \$49,964.56
- Payroll, Bank 13 - \$1,699,600.03
- Scholarship, Bank 18 - \$0.00
- High School Student Activities, Bank 31 - \$8,426.22
- Middle School Student Activities, Bank 32 - \$0.00

E. Personnel

1. Cathy Regnier, retirement effective the end of the 2020-21 school year, as Music Teacher at North Branch Area Middle School
2. Dena Vieth-Loher, retirement effective the end of the 2020-21 school year, as Music Teacher at Sunrise River Elementary School
3. Lesley Zieglmeier, resignation effective November 19, 2020, as Lunchroom Assistant at North Branch Area Middle School
4. Cassandra Cosgrove, resignation effective December 3, 2020, as SPED Assistant at North Branch Area Education Center

5. Linda Behrendt, leave request effective November 23, 2020 through January 18, 2021 as Early Childhood Assistant at North Branch Area Education Center
6. Pamela Lindblom, leave request effective November 23, 2020 through January 18, 2021 as Early Childhood Assistant at North Branch Area Education Center
7. Faith Schaal, leave request effective November 23, 2020 through February 8, 2021 as Early Childhood SPED Assistant at North Branch Area Education Center
8. Allison Mantel, leave request effective March 11, 2021 through May 2, 2021, as Intervention Teacher at Sunrise River Elementary
9. Tessa Strain-Moritz, leave request effective March 5, 2021 through April 18, 2021, as ALC/Distance Learning Teacher
10. Mikaela Matheny, extend temporary employment as Education Assistant at Distance Learning Academy through the end of 2020-21 school year
11. Sally Liljedahl, employment effective November 4, 2020, as Lunchroom Assistant at North Branch Area Middle School
12. Lily Rayer, employment effective November 9, 2020, as SPED Assistant at Life Work Center
13. 2020-21 Extra Curricular Fall Coach Positions
  - a. Steve Dickhudt, Class 3, Step 6, as Assistant Coach for Volleyball
  - b. Roberta Disrud, Class 3, Step 7, as Head Coach for Dance
  - c. Sean Huset, Class 3, Step 7, as Assistant Coach for Football
  - d. Katie Olsen, Class 9, Step 10, as Weightroom Supervisor for Trimester 2
  - e. Gina Scott, Class 5, Step 3, as Assistant Coach for Dance
14. 2020-21 Activity Advisor Positions
  - a. Chas Bettendorf, Class 8, Step 10, as Knowledge Bowl Advisor
  - b. Becky Leuer, Class 6, Step 2, as 7-9 FTC Robotics Coordinator
  - c. Laura Michels, Class 3, Step 3, as Auditorium Coordinator/Tech Club Advisor
  - d. Laura Michels, Class 7, Step 2, as One Act Director
  - e. Jessica Petrik, Class 4, Step 1, as Head Coach for Speech
  - f. Hannah Rawleigh, Class 6, Step 2, as ProStart Advisor

F. Hockey Rink Agreement Between the City of North Branch and the North Branch Area School District

G. Acceptance of Donations

Date	Donation From	Donation To	Amount	Use
11/9/20	Shaan Hilber – NB, MN	NBHS	\$150.00	Music (Band & Choir)
11/18/20	Greater Green Bay Community Foundation, Inc.- Green Bay, WI	NBMS	\$250.00	MS Music (Band)
11/30/20	Christopher & Laura Darst – NB, MN	NBHS Scholarship A/C	\$400.00	Scholarship Donation

11/30/20	North Branch Dental – NB, MN	NBHS Scholarship A/C	\$1,000.00	Scholarship Donation
11/30/20	Chad VanDyke - NB, MN (P/R Pledge Wells Fargo)	NBHS Scholarship A/C	\$190.38	Scholarship Donation
		<b>Total</b>	<b>\$1,990.38</b>	

**OPEN MIC**

No one signed up for open mic.

**OLD BUSINESS**

There was no old business to discuss.

**NEW BUSINESS**

**A. Approval of Acceptance of Audit Report for FY2020**

Mary Reedy, lead auditor from CliftonLarsonAllen briefed the board on the audit stating that overall the audit went very well and reported a clean audit. Moved by Grovender, seconded by MacMillan to approve the audit report for FY2020.

Voting for: Ekstrom, MacMillan, Grovender, Bollman, Osagiede, Giese  
 Voting against: None  
 Motion carried.

There was a change to the order of the agenda items under new business. Agenda item D. - Certification of Property Tax was moved before agenda item B. – World’s Best Workforce Report Summary.

**B. Approval of Certification of Property Tax Levy 2020, Payable 2021 in the Amount of \$9,398,079.51**

Director of Business Services reviewed the Property Tax Levy 2020, payable 2021. There were no questions or comments from the public.

Moved by Bollman, seconded by Giese and carried unanimously to approve the certification of the 2020 payable 2021 property tax levy in the amount of \$9,398,079.51.

Voting for: Ekstrom, MacMillan, Grovender, Bollman, Osagiede, Giese  
 Voting against: None  
 Motion carried.

**C. Approval of 2019-20 World's Best Workforce Report Summary**

David Treichel, Director of Teaching and Learning, presented the World’s Best Workforce annual report. Moved by Grovender, seconded by Giese to approve the 2019-20 World’s Best Workforce Report Summary.

Voting for: Ekstrom, MacMillan, Grovender, Bollman, Osagiede, Giese  
 Voting against: None  
 Motion carried.

D. Approval of Resolution Establishing Combined Polling Places for Multiple Precincts and Designating Hours During Which the Polling Places will Remain Open for Voting for School District Elections Not Held on the Day of a Statewide Election

Member Grovender introduced the following resolution and moved

its adoption:

**RESOLUTION ESTABLISHING COMBINED POLLING PLACES  
FOR MULTIPLE PRECINCTS AND  
DESIGNATING HOURS DURING WHICH THE POLLING  
PLACES WILL REMAIN OPEN FOR VOTING  
FOR SCHOOL DISTRICT ELECTIONS NOT HELD  
ON THE DAY OF A STATEWIDE ELECTION**

BE IT RESOLVED by the School Board of Independent School District No. 138, State of Minnesota, as follows:

1. Pursuant to Minnesota Statutes, Section 205A.11, the precincts and polling places for school district elections are those precincts or parts of precincts located within the boundaries of the school district which have been established by the cities or towns located in whole or in part within the school district. The board hereby confirms those precincts and polling places so established by those municipalities.

2. Pursuant to Minnesota Statutes, Section 205A.11, the board may establish a combined polling place for several precincts for school district elections not held on the day of a statewide election. **Each combined polling place must be a polling place that has been designated by a county or municipality.** The following combined polling places are established to serve the precincts specified for all school district special and general elections not held on the same day as a statewide election:

Combined Polling Place: Precinct B - Main Street Church, 6500 Main Street, North Branch, MN 55056

Name and address of combined polling place

"This combined polling place serves all territory in Independent School District No. 138 located in the City of Harris, the City of Stacy and the City of North Branch, and Fish Lake, Sunrise, Amador, Chisago Lakes, Lent and Wyoming Townships, all in Chisago County, Minnesota; and North Branch and Oxford Townships in Isanti County, Minnesota.

3. Pursuant to Minnesota Statutes, Section 205A.09, the polling places will remain open for voting for school district elections not held on the same day as a statewide election between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m.

4. The clerk is directed to file a certified copy of this resolution with the county auditors of each of the counties in which the school district is located, in whole or in part, within thirty (30) days after its adoption.

5. As required by Minnesota Statutes, Section 204B.16, Subdivision 1a, the clerk is hereby authorized and directed to give written notice of new polling place locations to each affected household with at least one registered voter in the school district whose school district polling place location has been changed. The notice must be a nonforwardable notice mailed at least twenty-five (25) days before the date of the first election to which it will apply. A notice that is returned as undeliverable must be forwarded immediately to the appropriate county auditor, who shall change the registrant's status to "challenged" in the statewide registration system.

The motion for the adoption of the foregoing resolution was duly seconded by Member Giese and upon vote being taken thereon, the following voted in favor thereof: Ekstrom, MacMillan, Grovender, Bollman, Osagiede, Giese and the following voted against the same: None whereupon said resolution was declared duly passed and adopted.

#### **INFORMATION**

None

#### **BOARD REQUESTS**

None

#### **COMMITTEE REPORTS**

A. SEE (Schools for Equity in Education) – None

B. Negotiations – Board Member Ekstrom reported that there will be a NBSSA Mediation Session on December 16.

C. MREA Report – The school board members voted on the school board representative for MREA. Aaron Berg from Cambridge-Isanti was nominated.

Voting for: Ekstrom, MacMillan, Grovender, Bollman, Osagiede, Giese

Voting against: None

Motion carried

D. MSBA Report – Board Member Ekstrom reported on the Delegate Assembly he attended on December 2. He also mentioned that the 2021 MSBA Leadership Conference is in January.

- E. MSHSL – Board Member Ekstrom reported on the MSHSL meeting he attended.
- F. SCRED Report – None
- G. Staff Development Report – None
- H. Community Education – None
- I. Policy Committee Report – None

**DATES TO REMEMBER**

- A. January 14, 2021 Organizational Meeting, 5:30 pm, North Branch Area Middle School, Media Center
- B. January 14, 2021 Regular School Board Meeting, immediately following the Organizational Meeting, North Branch Area Middle School, Media Center
- C. January 28, 2021, School Board Work Session, 5:30 pm, North Branch Area Middle School, Media Center

**Adjournment**

Moved by Bollman, seconded by Grovender, and carried unanimously to adjourn the regular meeting at 6:38 pm.

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Sarah Grovender, Clerk  
(Unapproved)

**ELECTRONIC FUND TRANSFERS  
DECEMBER 2020**

Direct Dep Cks	\$1,380,980.74		
ACHS	<u>\$15,591.34</u>		
	<b>\$1,396,572.08</b>		
Transfer from Construction Account to General Operating:		2017A Bond	12/11/2020 <b>\$917,107.22</b>
Other Electronic Fund Transfers:			
Federal/FICA Taxes			12/7/2020 \$57,135.17
(Also reflected in P/R info)			12/7/2020 \$100,528.31
			12/21/2020 \$56,946.26
			12/21/2020 <u>\$111,422.34</u>
			<b>\$326,032.08</b>
Minnesota Withholding Taxes			12/8/2020 \$9,374.38
(Also reflected in P/R info)			12/8/2020 \$17,277.70
			12/22/2020 \$9,575.87
			12/22/2020 <u>\$19,325.67</u>
			<b>\$55,553.62</b>
Economic Service (EBC)			12/7/2020 \$9,217.61
(Also reflected in P/R info)			12/7/2020 \$25,113.78
			12/21/2020 \$8,495.81
			12/21/2020 <u>\$25,913.86</u>
			<b>\$68,741.06</b>
MII LIFE-F S A		PEIP	12/2/2020 \$49.86
		PEIP	12/14/2020 \$2,118.78
		PEIP	12/21/2020 \$627.81
		PEIP Admin Inv	12/23/2020 \$269.65
		PEIP	12/30/2020 <u>\$43.68</u>
			<b>\$3,109.78</b>
MII LIFE-M S A			12/8/2020 \$9,552.92
(Also reflected in P/R info)			12/22/2020 <u>\$9,552.92</u>
			<b>\$19,105.84</b>
Minnesota Teachers Retirement			12/4/2020 \$7,388.03
			12/4/2020 \$68,415.45
			12/18/2020 \$7,287.31
			12/18/2020 \$75,537.01
			12/31/2020 <u>\$58,926.33</u>
			<b>\$217,554.13</b>
PERA			12/4/2020 \$28,677.63
			12/18/2020 \$27,173.50
			12/31/2020 <u>\$27,217.80</u>
			<b>\$83,068.93</b>
Delta Dental Plan			12/22/2020 <b>\$11,529.35</b>
MN Sales Tax			12/21/2020 <b>\$38.00</b>



## Pay Equity Implementation Report

**Part A: Jurisdiction Identification**

Jurisdiction: ISD No. 138 - North Branch Area Schools  
38705 Grand Ave

Jurisdiction Type: School

North Branch, MN 55056

Contact: Todd Tetzlaff  
Contact: Jody Spofford

Phone: (651) 674-1000  
Phone: (651) 674-1000

E-Mail: ttetzlaf@isd138.org  
E-Mail: jspofford@isd138.org

**Part B: Official Verification**

1. The job evaluation system used measured skill, effort responsibility and working conditions and the same system was used for all classes of employees.

The system used was: Consultant

Description:

Hay System

2. Health Insurance benefits for male and female classes of comparable value have been evaluated and:

There is no difference and female classes are not at a disadvantage.

3. An official notice has been posted at:

District Office Vestibule

(prominent location)

informing employees that the Pay Equity Implementation Report has been filed and is available to employees upon request. A copy of the notice has been sent to each exclusive representative, if any, and also to the public library.

The report was approved by:

School Board

(governing body)

Kirby Ekstrom

(chief elected official)

Board Chair

(title)

**Part C: Total Payroll**

\$17447870.40

is the annual payroll for the calendar year just ended December 31.

- Checking this box indicates the following:
- signature of chief elected official
  - approval by governing body
  - all information is complete and accurate, and
  - all employees over which the jurisdiction has final budgetary authority are included
- Date Submitted: 1/5/2021

## Job Class Data Entry Verification List

Case: 2021DATA

ISD No. 138 - North Branch Area Schools

LGID: 884

Job Nbr	Class Title	Nbr Males	Nbr Females	Non-Binary	Class Type	Jobs Points	Min Mo Salary	Max Mo Salary	Yrs to Max Salary	Yrs of Service	Exceptional Service Pay
1	Lunchroom/Playground Assistant	0	9	0	F	80	2086.53	2875.05	20.00		
2	Early Childhood Assistant	0	4	0	F	92	2228.64	3069.14	20.00		
3	Schoolkeeper	2	9	0	F	101	2472.99	3053.55	20.00		
4	Schookkeeper/Mail and Delivery	1	0	0	M	103	2472.99	3053.55	20.00		
5	Sp Ed Assistant	4	36	0	F	106	2370.74	3264.97	20.00		29
6	Educational Assistant	0	2	0	F	107	2370.74	3264.97	20.00		
7	Sp Ed Asst/SeverelyChallenged	0	13	0	F	109	2370.74	3264.97	20.00		
8	Title I Assistant	0	3	0	F	120	2512.85	3459.07	20.00		
11	Career Center Clerk	0	1	0	F	126	2512.85	3459.07	20.00		
9	Office Clerk (9 month)	0	4	0	F	128	2512.85	3459.07	20.00		
10	Office Clerk (12 months)	0	2	0	F	128	2774.53	3951.24	20.00		
12	Central Printing Operator	0	1	0	F	130	2512.85	3864.59	20.00		
13	SchoolAgeCare-SeniorAdultAsst	0	2	0	F	133	2774.53	3951.24	20.00		
14	Health Office Clerk	0	2	0	F	133	2512.85	3459.07	20.00		
15	Custodian	2	1	0	B	139	2828.26	3408.81	20.00		
16	HealthMedia&TechnologyClerk	0	1	0	F	144	2654.96	3654.90	20.00		
17	Media&TechnologySupportClerk	0	1	0	F	144	2654.96	3654.90	20.00		
18	Early Childhood Secretary	0	1	0	F	144	2654.96	3654.90	20.00		
19	Transition Job Coach	0	3	0	F	148	2654.96	3654.90	20.00		
20	Groundskeeper	1	1	0	B	160	3084.74	4375.83	20.00		
21	Indian Education Liaison	1	0	0	M	173	2370.74	3264.97	20.00		
22	Behavior Technician (Building)	1	1	0	B	173	2797.06	3848.99	20.00		
23	Assessment Support Secretary	0	1	0	F	173	2797.06	3848.99	20.00		
24	Lead Custodian	1	3	0	F	186	3218.18	3798.74	20.00		
25	Technology Help Desk Secretary	0	1	0	F	203	3238.98	4588.98	20.00		
26	Special Ed Secretary	0	1	0	F	203	3238.98	4588.98	20.00		
27	Community Education Secretary	0	1	0	F	203	3238.98	4588.98	20.00		
28	Buildings/Grounds Secretary	0	1	0	F	203	3238.98	4588.98	20.00		
29	Activities Secretary	0	1	0	F	203	3238.98	4588.98	20.00		
30	Lead Groundskeeper	1	0	0	M	210	3394.95	4800.41	20.00		
31	Instructional Support Secretar	0	1	0	F	228	3394.95	4800.41	20.00		
32	Secretary II	0	3	0	F	233	3394.95	4800.41	20.00		

## Job Class Data Entry Verification List

Case: 2021DATA

ISD No. 138 - North Branch Area Schools

LGID: 884

Job Nbr	Class Title	Nbr Males	Nbr Females	Non-Binary	Class Type	Jobs Points	Min Mo Salary	Max Mo Salary	Yrs to Max Salary	Yrs of Service	Exceptional Service Pay
33	Bookkeeper	0	3	0	F	233	3394.95	4800.41	20.00		
34	Transportation Specialist	0	1	0	F	245	3394.95	4800.41	20.00		
35	Admin Asst/Exec Secretary	0	1	0	F	282	4889.89	5670.99		9.00	
36	Human Resources Specialist	0	1	0	F	291	4889.89	5670.99		9.00	30
37	EarlyChildhood/PreschoolTeache	0	5	0	F	298	4836.80	6197.21	10.00		Performance
38	TechnologySupportSpecialist I	0	1	0	F	330	5576.01	6415.43		8.00	
39	Maintenance Specialist	1	0	0	M	330	5576.01	6415.43		5.00	
40	TechnologySupprtSpecialist II	1	0	0	M	372	6368.36	7416.49		13.00	
41	TechnologyIntegrationMediaSpec	0	2	0	F	393	5038.74	10851.44	17.00		Performance
42	Teacher	23	75	0	F	393	5038.74	10851.44	17.00		Performance
43	Instructional Strategies Coach	0	3	0	F	393	5038.74	10851.44	17.00		Performance
44	EducSpeech-Lang Pathologist	0	5	0	F	393	5038.74	10851.44	17.00		Performance
45	Counselor	0	2	0	F	393	5038.74	10851.44	17.00		Performance
47	Accountant	0	1	0	F	393	7476.48	7476.48		22.00	
48	Special Education Teacher	9	17	0	B	398	5038.74	10851.44	17.00		Performance
49	EL Teacher	1	0	0	M	398	5038.74	10851.44	17.00		Performance
50	DL/Indep Study Teacher	0	4	0	F	398	5038.74	10851.44	17.00		Performance
46	School Social Worker	0	1	0	F	398	5038.74	10851.44	17.00		Performance
51	ECSÉ Teacher	0	2	0	F	400	5038.74	10851.44	17.00		Performance
52	CommRelCoord/GrantWriter	1	0	0	M	404	6368.36	7416.49		12.00	
53	SrAerospace ScienceInstructor	1	0	0	M	438	7878.72	7878.72		3.00	
54	Program Coordinator	1	2	0	B	438	5038.74	10851.44	17.00		Performance
55	Community Education Director	1	0	0	M	494	8843.30	8843.30		4.00	
56	Director of Technology	1	0	0	M	501	8843.30	8843.30		7.00	
57	Assistant Principal	2	0	0	M	501	10121.9	12562.23		6.00	
58	Activities Director	0	1	0	F	501	8843.30	8843.30		0.00	
59	Director of Buildings/Grounds	1	0	0	M	523	8846.63	8846.63		2.00	
60	Director of Teaching&Learning	1	0	0	M	654	10188.0	11403.22	6.00		
61	Elementary Principal	0	1	0	F	682	10188.0	11403.22	6.00		Performance

## Job Class Data Entry Verification List

Case: 2021DATA

ISD No. 138 - North Branch Area Schools

LGID: 884

Job Nbr	Class Title	Nbr Males	Nbr Females	Non-Binary	Class Type	Jobs Points	Min Mo Salary	Max Mo Salary	Yrs to Max Salary	Yrs of Service	Exceptional Service Pay
62	Middle School Principal	0	1	0	F	707	10572.13	11829.81	6.00		
63	High School Principal	1	0	0	M	760	11148.69	12470.93	6.00		
64	Director of Finance & HR	1	0	0	M	954	12434.69	12434.69		20.00	31
65	Superintendent	0	1	0	F	1536	14818.90	14902.22		0.00	

Job Number Count: 65

## Compliance Report

Jurisdiction: ISD No. 138 - North Branch Area Schools  
38705 Grand Ave

Report Year: 2021  
Case: 1 - 2021DATA (Private (Jur Only))

North Branch, MN 55056

Contact: Todd Tetzlaff

Phone: (651) 674-1000

E-Mail: ttetzlaff@isd138.org

The statistical analysis, salary range and exceptional service pay test results are shown below. Part I is general information from your pay equity report data. Parts II, III and IV give you the test results.

For more detail on each test, refer to the Guide to Pay Equity Compliance and Computer Reports.

### I. GENERAL JOB CLASS INFORMATION

	Male Classes	Female Classes	Balanced Classes	All Job Classes
# Job Classes	15	45	5	65
# Employees	16	248	36	300
Avg. Max Monthly Pay per employee	8691.50	7180.29		7537.15

### II. STATISTICAL ANALYSIS TEST

A. Underpayment Ratio = 214.2857 \* *Passes*

	Male Classes	Female Classes
a. # At or above Predicted Pay	5	31
b. # Below Predicted Pay	10	14
c. TOTAL	15	45
d. % Below Predicted Pay (b divided by c = d)	66.67	31.11

\*(Result is % of male classes below predicted pay divided by % of female classes below predicted pay.)

#### B. T-test Results

Degrees of Freedom (DF) = 262	Value of T = -4.201
-------------------------------	---------------------

a. Avg. diff. in pay from predicted pay for male jobs = 30

b. Avg. diff. in pay from predicted pay for female jobs = 1400

III. SALARY RANGE TEST = 80.57 (Result is A divided by B) *passes*

A. Avg. # of years to max salary for male jobs = 14.83

B. Avg. # of years to max salary for female jobs = 18.41

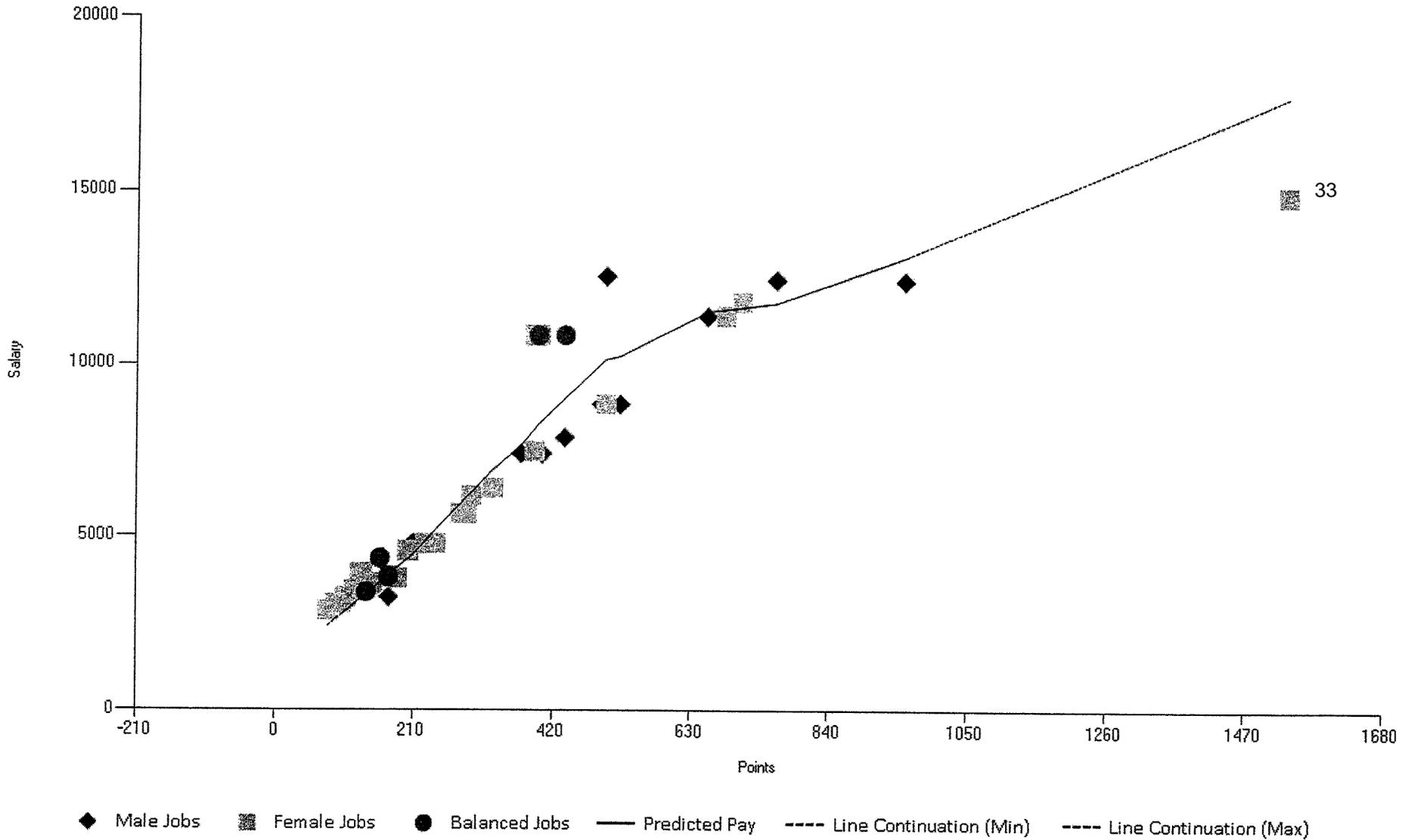
IV. EXCEPTIONAL SERVICE PAY TEST = 0.00 (Result is B divided by A) *passes*

A. % of male classes receiving ESP = 6.67 \*

B. % of female classes receiving ESP = 22.22

\*(If 20% or less, test result will be 0.00)

## Predicted Pay Report for: ISD No. 138 - North Branch Area Schools Case: 2021DATA



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

MSBA/MASA Model Policy 522

Orig. 1995

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

Rev. 2020

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

*[Note: On May 6, 2020, the U.S. Department of Education, Office for Civil Rights (OCR), released the long-awaited final rule amending Title IX regulations at 34 C.F.R. Part 106. These regulations, which go into effect on August 14, 2020, are the first Title IX regulations applicable to sexual harassment and are applicable to complaints by both school district students and employees. The extensive regulations will require districts to revise their policies and procedures with respect to sexual harassment and ensure that administration and staff are trained on the new requirements.]*

*The final rule requires school districts to provide notice of its nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the school district will respond to the following groups: applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the school district. 34 C.F.R. § 106.8(b). The provisions of this policy generally conform to the requirements of the new regulations.]*

### **I. GENERAL STATEMENT OF POLICY**

- A. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.

- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator(s) is/are:

**[INSERT: NAME(S) TITLE(S) PHONE NUMBER(S) OFFICE ADDRESS(ES) EMAIL ADDRESS(ES)]**

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

- E. The effective date of this policy is August 14, 2020 and applies to alleged violations of this policy occurring on or after August 14, 2020.

## **II. DEFINITIONS**

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- A. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- B. "Education program or activity" means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- C. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
  2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- D. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- E. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- F. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- G. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- H. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
  2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).
- I. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.
  - J. “Title IX Personnel” means any person who addresses, works on, or assists with the school district’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
    1. “Title IX Coordinator” means an employee of the school district that coordinates the school district’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
    2. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.
    3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
    4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as

the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.

5. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

***[NOTE: It is recommended that school districts designate a primary Title IX Coordinator and at least one alternate Title IX Coordinator so that the alternate can undertake Title IX Coordinator responsibilities in the event the primary Title IX Coordinator is a party to a complaint, or is otherwise not qualified under this policy to serve in that role in a particular case.]***

### **III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS**

#### **A. Equitable Treatment**

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

#### **B. Objective and Unbiased Evaluation of Complaints**

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid

credibility determinations based solely on a person's status as a complainant, respondent, or witness.

- C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

- D. Confidentiality

The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA's regulations, and State law under Minn. Stat. § 13.32 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

- E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

- F. Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice

will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

G. Consolidation

The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.

J. Timelines

***[NOTE: The Title IX regulations require reasonably prompt timeframes for conclusion of the grievance process, but do not specify any particular timeframes. The time periods below are suggested. School districts may establish their own district-specific timeline, although it is recommended that legal counsel be consulted before adjusting time periods.]***

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a

formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.

3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.
4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the School District.
5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

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

#### **IV. REPORTING PROHIBITED CONDUCT**

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

#### **V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR**

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's

wishes is not clearly unreasonable in light of the known circumstances.

- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
  2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
  4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
  5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
  6. A copy of this policy.

## **VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT**

### **A. Emergency Removal of a Student**

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:
  - a. The school district undertakes an individualized safety and risk analysis;
  - b. The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
  - c. The school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision

immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including MSBA Model Policy 506 – Student Discipline. The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

*[NOTE: The interrelationship between the Title IX regulations authorizing the emergency removal of student and the Minnesota Pupil Fair Dismissal Act (MPFDA) is unclear at this time. School districts should consult with legal counsel regarding the emergency removal of a student. At a minimum, it is recommended that school districts provide alternative educational services, as defined in the MPFDA, to any student so removed under the Title IX regulations.]*

B. Employee Administrative Leave

The school district may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The school district must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

**VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT**

- A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school district at the school district's discretion, but only after a formal complaint has been received by the school district.
- B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.
- C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.
- D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under

which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

- E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

## **VIII. DISMISSAL OF A FORMAL COMPLAINT**

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
  - 1. Would not meet the definition of sexual harassment, even if proven;
  - 2. Did not occur in the school district's education program or activity; or
  - 3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
  - 1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
  - 2. The respondent is no longer enrolled or employed by the school district; or
  - 3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.
- C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

*[NOTE: For example, school districts are reminded of the obligation under Minn. Stat. § 122A.20, subd. 2, to make a mandatory report to PELSB concerning any teacher who resigns during the course of an investigation of misconduct.]*

## **IX. INVESTIGATION OF A FORMAL COMPLAINT**

- A. If a formal complaint is received by the School District, the school district will

assign or designate an Investigator to investigate the allegations set forth in the formal complaint.

- B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.
- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.
- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
- F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

## **X. DETERMINATION REGARDING RESPONSIBILITY**

***[NOTE: The Title IX regulations do not require school districts to conduct live hearings as part of the decision-making phase of the grievance process. Accordingly, this Policy does not include procedures for a live hearing. If a school district desires to create such procedures, legal counsel should be consulted.]***

- A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.

- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
  - 1. Identification of the allegations potentially constituting sexual harassment;
  - 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
  - 3. Findings of fact supporting the determination;
  - 4. Conclusions regarding the application of the school district's code of conduct to the facts;
  - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the complainant; and
  - 6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the

school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## **XI. APPEALS**

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:
  - 1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
  - 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
  - 3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

## **XII. RETALIATION PROHIBITED**

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex

discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

- B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.
- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **XIII. TRAINING**

- A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:
  - 1. The Title IX definition of sexual harassment;
  - 2. The scope of the school district's education program or activity;
  - 3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
  - 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
  - 5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
  - 6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.
- B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training

materials available for public inspection upon request.

#### **XIV. DISSEMINATION OF POLICY**

- A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
  - 1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
  - 2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
  - 3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
  - 4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

#### **XV. RECORDKEEPING**

***[NOTE: School districts should consider amending their respective retention schedules to reflect the recordkeeping requirements discussed below].***

- A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:
  - 1. The basis for the school district's conclusion that its response to the report

or formal complaint was not deliberately indifferent;

2. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
  3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
  4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.
- B. The school district must also maintain for a period of seven calendar years records of:
1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
  2. Any appeal and the result therefrom;
  3. Any informal resolution and the result therefrom; and
  4. All materials used to train Title IX Personnel.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C. § 1400, *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act of 1990, as amended)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))

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

# STUDENTS

## Student Sex Nondiscrimination

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### I. PURPOSE

Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

### II. GENERAL STATEMENT OF POLICY

- A. The school district provides equal educational opportunity for all students and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.
- B. Every school district employee shall be responsible for complying with this policy.
- C. The school board hereby designates Matthew Lattimore, 38175 Grand Ave, North Branch, MN 55056, 651-674-1512, [mlattimo@isd138.org](mailto:mlattimo@isd138.org), as its Title IX coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.

### III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school district human rights officer or to the superintendent.
- B. In Each School Building. The building principal is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful sex discrimination toward a student shall inform the building principal immediately.

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#### North Branch Independent School District No. 138: Policy #522

**Adopted:** April 11, 2002

**Replaces:** NB Policy 5145 Nondiscrimination on the Basis of Sex in Education Programs and Activities

**Revised:** May 13, 2004, May 11, 2017

**Effective:** April 11, 2002, May 13, 2004, May 11, 2017

## STUDENTS

### Student Sex Nondiscrimination

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- C. Upon receipt of a report or grievance, the principal must notify the school district human rights officer immediately, without screening or investigating the report. The principal may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the human rights officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- D. The school board hereby designates Deb Henton, 38705 Grand Ave, North Branch, MN 55056, 651-674-1000, [dhenton@isd138.org](mailto:dhenton@isd138.org), as the school district human rights officer(s) to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- E. The school district shall conspicuously post the names of the Title IX coordinator and human rights officer(s), including office addresses and telephone numbers and work e-mail addresses.
- F. Submission of a good faith complaint, grievance, or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades, or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

#### IV. INVESTIGATION

- A. By authority of the school district, the human rights officer, upon receipt of a report, complaint, or grievance alleging unlawful sex discrimination toward a student, shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district

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## STUDENTS

### Student Sex Nondiscrimination

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should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators, or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student.
- E. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

#### V. SCHOOL DISTRICT ACTION

- A. Upon conclusion of the investigation and receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

#### VI. REPRISAL

The school district will discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student or any person who testifies, assists, or participates in an investigation, or who testifies, assists, or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

#### VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education.

# STUDENTS

## Student Sex Nondiscrimination

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### VIII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions, and organizations.
- B. The school district shall review this policy and the school district's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)

**Cross References:** NB Policy 102 (Equal Educational Opportunity)  
NB Policy 413 (Harassment and Violence)  
NB Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

JAN 8 2021

ISD #138  
NORTH BRANCH. MN

To Board members, MacMillan, Grovender, Bollman, Osagiede, & Giese

The saying "in hindsight it's always 2020" has a fitting meaning to the year behind us. As I look back on what has been accomplished during my tenure on the board I take great pride in the accomplishments that I have been a part of. Serving my school district for over 20 years, I have achieved many rewards, being included on MSBA's 2013 All State School Board, handing the Championship Trophy to our Volleyball Captains, Director of District 9 for MSBA, Region 7AA Executive Committee MSHSL, MSHSL Board of Directors, MSBAIT Insurance Trust Board of Directors, receiving the SCRED Legislative Advocacy Award, testifying at the Capitol and many other awards and committees, but, the most proud moment was when I handed my sons their diploma at Graduation.

Our saying "Students First" is something I have always held most important, as a board member some accomplishments we have done for our students, adding Girls and Boys Hockey programs, Dance, AFJROTC, Robotics, STEAM, Culinary Arts, and Chisago County Life Works Center, our future FAB Lab, plus many academic programs that allow students interested in post secondary schooling options to help attain credits while still in High School, and our new High School redesign is something I will be keeping an eye on.

We have also succeeded in many ways, prior to my term as board chair, the community of North Branch Schools was engulfed in a negative workplace culture that was affecting, employees, students and parents, Year upon Year of financial cuts, hurt deeply as we saw programs and staff leave. With the help of the Superintendent and board members we started a process to express everything in a positive outlook, I knew it would take time, the expression "big ships turn slowly" was always on my radar. We advocated for more funding and received it. We sent out messages and involved parents and community members in decision making efforts through "Thoughtexchange", with the help from staff we have made North Branch Area Public Schools a school of choice once again. This was done by Board members, Administrative Staff, and each person in the district believing how great North Branch is. Passing an 80 million dollar Bond referendum helps, but, that also shows how the community supports our schools.

I have lived in this community for 60 years. Born at Rush City Hospital, I grew up just south of the Golf course, my parents started their family together in the Blue and White trailer park. We moved into our home 200 yards south in a renovated barn. My parents then built our home 2 miles south of town where I attended the rest of my High School years. In 1981 I married my Junior High Sweetheart and we built our home on Branch Avenue were we raised our 2 boys through the school district. As a 3<sup>rd</sup> generation graduate I have deep feelings for "my" school and the people involved in shaping me into the person I have become, North Branch will always be home.

I leave you with one heck of a great Superintendent "Super Paul", Administration staff above all others, and a staff at the district office, Teachers, Custodians, Support Staff, Food service staff, and Bus drivers (I still consider ours) Community Education Staff, ECFE staff, advisors, and coaches that go above and beyond in their abilities to raise and educate our students. I have the utmost respect for this group of board members and I know that "Inspire Dreams, Build Integrity, Instill Hope" will be carried into the future.

Lastly, I have many people to say Thank You too, past board members and staff, Randi Johnson who taught me school finance 101, past Superintendent Henton who we shared many hours together at meetings and conferences, past board member Henry "Hank" Brooker the person that talked me into putting my name in for school board. And my wife Jan, who allowed me to spend so many hours away at meetings, conferences and events.

With this letter I announce my resignation from the North Branch Area Schools School Board. I have no intentions of disappearing, even though Jan and I will be in Cromwell, you just might see me at a game, concert, play, or senior awards night. Remember your leadership matters! SKOL Vikings!

Sincerely,

Kirby Ekstrom

# Board & Administrator

FOR SCHOOL BOARD MEMBERS

January 2021 Vol. 34, No. 9

## Follow these 7 steps for easy, effective board resolutions

Serving on a school board is never easy. For many school board members, both new and old, one of the most intimidating aspects of the job is writing board resolutions.

A board resolution is a formal way to document a school board decision — it can serve as a record of an important board decision or it can qualify as proof of the board's compliance with state or local legal requirements. In many instances, school board members may create a resolution on legislative issues; such as school safety, funding, and other topics that impact the school community; to guide the board's advocacy efforts.

While board resolutions appear to be complicated at first glance, you don't need to be an attorney to write and pass an effective resolution. Share these steps with your colleagues to streamline the board resolution process:

1. Format the resolution by inserting the date and, if your board organizes resolutions by number, the resolution number at the top.
2. Create a title that presents the main issue addressed in the resolution. For example, "Resolution in Support of Comprehensive School Mental Health and Trauma-Informed Services."
3. Use formal language in the body of the resolution. Begin each new paragraph with the term "whereas." For example, "Whereas, educators and personnel employed by the City School District believe that mental health resources are crucial to the future success of K-12 students."

4. Continue writing out each important statement.

5. The last statement of the resolution should state the final resolution, which is the action that the board took. For example, "Therefore, be it resolved, that the City School District calls upon the state legislature and the governor to address the shortage of in-state mental health professionals who are qualified to address the needs of school-age children."

6. The bottom of the resolution should list the names of board members, their titles, and spaces adjacent to their names where they can add a signature.

7. Depending on your board procedures, the resolution may only list the name of the board president and the board clerk or secretary.

Once your board has written and passed a resolution, the board president or board secretary should keep a printed copy of the resolution with other important documents, such as school board meeting minutes and agendas. It would also be a best practice for the board president or secretary to keep a backup copy of the resolution in an electronic database or another location in case the original is lost or accidentally discarded.

For samples of school board resolutions on numerous topics, see <https://www.wasb.org/advocacy-government-relations/boards-taking-action/>. ■

## Board members can have New Year's resolutions too

Everyone is looking for a fresh start in 2021 and making resolutions to appreciate good health, family, and stability. School board members should consider New Year's resolutions of their own.

These resolutions don't have to be officially documented decisions like those made during the board's annual meeting. They can be informal, individual resolutions that each board member makes privately.

For example, maybe you commit to attending more community events than

normal between January and June since COVID-19 limited your involvement in 2020. Another resolution could be that you vow to make trust a priority and embed it as a key value to build resiliency. Maybe your resolution will focus on better collaboration or communication with another member who you have been at odds within the past.

Nick Kypreos, chairman of the Salisbury School in Salisbury, Md., says his resolution is "to enable The Salisbury School to come out of the COVID-19 experience, stronger, better and renewed." ■

## 4 strategies to start 2021

Lessons learned at the start of SY 2020-21 apply to the new calendar year as well. Consider strategies the P.K. Yonge Developmental Research School, a K-12 public school affiliated with the University of Florida, Gainesville, employs.

Ashley Pennypacker Hill, director of student and family services, recommends those in K-12 education embrace the following four strategies:

**1. Accept that change is the "new normal."** Routines and procedures may have to change and then change again and then change again, Hill said. "As much as you prepare, things arise that you couldn't have been planned for," she said. "This may require you to go back to the drawing board to redesign a routine or procedure yet again."

**2. Focus on your role.** "We are not

epidemiologists," Hill said. "We are educators." Rely on the health professionals to provide health and safety decisions and try to focus on the things that you are an expert in, she said.

**3. Don't fight your feelings.** Allow yourself to feel frustrated, mad, sad, scared, or whatever emotions you have.

**4. Give grace to all.** Understand that everyone is in a different place in their understanding, acceptance, and processing of COVID-19, Hill said. "This is unprecedented," she said. "That's the word everyone uses, but it's real."

"Everybody reacts differently to stress, and everybody's stress is different," she said. "Extend grace to families, students, teachers, and staff, knowing that everybody is really trying to do the best they can," she said. ■